

House Bill 3398

Sponsored by Representatives JOHNSON, SPRENGER; Representatives HUFFMAN, WHISNANT

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**.

Directs district school board to select student teacher based on student's potential to teach and not on student's race, color, religion, sex, sexual orientation, national origin, marital status, age or disability or on policies of teacher education institution or teacher education program involving race, color, religion, sex, sexual orientation, national origin, marital status, age or disability and how those policies relate to specific student.

Prohibits teacher education institution or teacher education program from refusing to enter into contract with district school board for purpose of placing student teacher because of student's race, color, religion, sex, sexual orientation, national origin, marital status, age or disability or on policies of teacher education institution or teacher education program involving race, color, religion, sex, sexual orientation, national origin, marital status, age or disability and how those policies relate to specific student.

A BILL FOR AN ACT

1
2 Relating to student teachers; creating new provisions; and amending ORS 332.075, 342.147, 659.855
3 and 659.860.

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

5 **SECTION 1.** ORS 332.075 is amended to read:

6 332.075. (1) Any district school board may:

7 (a) Fix the days of the year and the hours of the day when schools shall be in session.

8 (b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141
9 and courses of study for the use of such schools as provided in ORS 336.035.

10 *[(c) Authorize the use of the schools for purposes of training students of an approved teacher edu-*
11 *cation institution, as defined in ORS 342.120, and for such purposes may enter into contracts with the*
12 *approved teacher education institutions on such terms as may be agreed upon. Such contracts as they*
13 *relate to student teachers shall have the same effect and be subject to the same regulations as a contract*
14 *between a licensed teacher and a district school board.]*

15 **(c) Authorize the use of the schools for purposes of training students of an approved**
16 **teacher education institution or an approved teacher education program, as those terms are**
17 **defined in ORS 342.120. When selecting students for whom to enter into a contract, the dis-**
18 **trict school board must select students based on the student's potential to teach and may**
19 **not deny an opportunity to a student based on:**

20 **(A) The race, color, religion, sex, sexual orientation, national origin, marital status, age**
21 **or disability of the student; or**

22 **(B) The policies of the teacher education institution or teacher education program in-**
23 **volving race, color, religion, sex, sexual orientation, national origin, marital status, age or**
24 **disability and how those policies relate to a specific student.**

25 **(d) Enter into contracts with approved teacher education institutions and approved**
26 **teacher education programs to allow a student to train in the schools of the school district.**

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 **The contracts related to student teachers shall have the same effect and be subject to the**
 2 **same regulations as a contract between a licensed teacher and a district school board.**

3 [(d)] (e) Develop and operate with other school districts or community college districts second-
 4 ary career and technical education programs for pupils of more than one district and fix by agree-
 5 ment the duration of the district's obligation to continue such activity, subject to the availability
 6 of funds therefor.

7 [(e)] (f) Authorize the school district to be a member of and pay fees, if any, to any voluntary
 8 organization that administers interscholastic activities or that facilitates the scheduling and pro-
 9 gramming of interscholastic activities.

10 [(f)] (g) Accept money or property donated for the use or benefit of the school district and,
 11 consistent with the laws of this state, use such money or property for the purpose for which it was
 12 donated.

13 (2) All contracts of the school district must be approved by the district school board before an
 14 order can be drawn for payment. If a contract is made without the authority of the district school
 15 board, the individual making such contract shall be personally liable.

16 (3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or
 17 policy, authorize its superintendent or the superintendent's designee to enter into and approve pay-
 18 ment on contracts for products, materials, supplies, capital outlay, equipment and services that are
 19 within appropriations made by the district school board pursuant to ORS 294.456. A district school
 20 board may not authorize its superintendent or the superintendent's designee under this subsection
 21 to enter into and approve payment on contracts that are collective bargaining agreements or service
 22 contracts that include the provision of labor performed by employees of the school district.

23 **SECTION 2.** ORS 342.147 is amended to read:

24 342.147. (1) After considering recommendations of the State Board of Education, the Teacher
 25 Standards and Practices Commission shall establish by rule standards for approval of teacher edu-
 26 cation institutions and teacher education programs. **The standards shall state that a teacher**
 27 **education institution or teacher education program may not refuse to enter into a contract**
 28 **with a district school board for the purpose of placing a student teacher because of:**

29 (a) **The race, color, religion, sex, sexual orientation, national origin, marital status, age**
 30 **or disability of the student; or**

31 (b) **The policies of the teacher education institution or teacher education program in-**
 32 **volving race, color, religion, sex, sexual orientation, national origin, marital status, age or**
 33 **disability and how those policies relate to a specific student.**

34 (2) Public teacher education institutions shall be approved for programs of more than four years'
 35 duration only if teacher education programs which are reasonably attainable in a four-year period
 36 are also available in the system of higher education and are designed to culminate in a
 37 baccalaureate degree that qualifies its graduates for entry-level teaching licenses.

38 [(2)] (3) The commission shall establish rules that allow teacher education programs leading to
 39 graduate degrees to commence prior to the student's completion of baccalaureate degree require-
 40 ments and that allow the combined use of undergraduate and graduate level course work in
 41 achieving program completion.

42 [(3)] (4) Whenever any teacher education institution or program is denied approved status or
 43 has such status withdrawn, such denial or withdrawal must be treated as a contested case within
 44 the meaning of ORS chapter 183.

45 [(4)] (5) Nothing in this section is intended to grant any authority to the commission relating

1 to granting degrees or establishing degree requirements that are within the authority of the State
 2 Board of Higher Education or any of the public universities listed in ORS 352.002, or that are within
 3 the authority of the governing board of any private institution of higher education.

4 **SECTION 3. The amendments to ORS 332.075 and 342.147 by sections 1 and 2 of this 2013**
 5 **Act apply to contracts considered on or after the effective date of this 2013 Act.**

6 **SECTION 4.** ORS 659.855 is amended to read:

7 659.855. (1) Any public elementary or secondary school determined by the Superintendent of
 8 Public Instruction or any community college determined by the Commissioner for Community Col-
 9 lege Services to be in noncompliance with provisions of ORS **332.075 (1)(c), 342.147 (1) or** 659.850
 10 [*and this section*] shall be subject to appropriate sanctions, which may include withholding of all or
 11 part of state funding, as established by rule of the State Board of Education.

12 (2) Any public university listed in ORS 352.002 determined by the Chancellor of the Oregon
 13 University System to be in noncompliance with provisions of ORS **342.147 (1) or** 659.850 [*and this*
 14 *section*] shall be subject to appropriate sanctions, which may include withholding of all or part of
 15 state funding, as established by rule of the State Board of Higher Education.

16 (3) Any public charter school determined by the sponsor of the school or the superintendent to
 17 be in noncompliance with the provisions of ORS 659.850 [*and this section*] shall be subject to ap-
 18 propriate sanctions, which may include the withholding of all or part of state funding by the sponsor
 19 or superintendent, as established by rule of the State Board of Education.

20 **SECTION 5.** ORS 659.860 is amended to read:

21 659.860. (1) Any person claiming to be aggrieved by unlawful discrimination as prohibited by
 22 ORS **332.075 (1)(c), 342.147 (1) or** 659.850 may file a civil action in circuit court for equitable relief
 23 or, subject to the terms and conditions of ORS 30.265 to 30.300, damages, or both. The court may
 24 order such other relief as may be appropriate. Damages shall be \$200 or actual damages, whichever
 25 is greater.

26 (2) The action authorized by this section shall be filed within one year of the filing of a griev-
 27 ance.

28 (3) No action shall be filed unless, within 180 days of the alleged discrimination, a grievance has
 29 been filed with the school district board, public charter school governing body, community college
 30 board of education or State Board of Higher Education.

31 (4) No action may be filed until 90 days after filing a grievance unless only injunctive relief is
 32 sought pursuant to ORCP 79. The right to temporary or preliminary injunctive relief shall be inde-
 33 pendent of the right to pursue any administrative remedy available to complainants pursuant to ORS
 34 **332.075 (1)(c), 342.147 (1) or** 659.850.

35 (5) No action may be filed if the school district board, public charter school governing body,
 36 community college board of education or State Board of Higher Education has obtained a concil-
 37 iation agreement with the person filing the grievance or if a final determination of a grievance has
 38 been made except as provided in ORS 183.480.

39 (6) Notwithstanding the filing of a grievance, pursuant to subsection (3) of this section, any
 40 person seeking to maintain an action under this section shall also file a notice of claim within 180
 41 days of the alleged discrimination as required by ORS 30.275.

42 (7) The court shall award reasonable attorney fees to a prevailing plaintiff in any action under
 43 this section. The court may award reasonable attorney fees and expert witness fees incurred by a
 44 defendant who prevails in the action if the court determines that the plaintiff had no objectively
 45 reasonable basis for asserting a claim or no objectively reasonable basis for appealing an adverse

1 decision of a trial court.

2 (8) Nothing in this section is intended to reduce the obligations of the education agencies under
3 this section and ORS 659.850 and 659.855.

4 **SECTION 6. The amendments to ORS 659.855 and 659.860 by sections 4 and 5 of this 2013**
5 **Act apply to conduct occurring on or after the effective date of this 2013 Act.**

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