

House Bill 2411

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Teacher Standards and Practices Commission)

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**.

Changes name of Teacher Standards and Practices Commission to Professional Educator Standards Board.

Updates terms for teacher education programs and institutions.

Streamlines licensure structure for teachers and administrators.

Increases maximum amount allowed for fees for issuance of license.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to the Teacher Standards and Practices Commission; creating new provisions; amending
3 ORS 181.525, 329.788, 329.800, 332.075, 336.635, 338.120, 338.135, 339.250, 339.374, 339.388, 341.535,
4 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130, 342.136, 342.137, 342.138, 342.143,
5 342.144, 342.147, 342.153, 342.156, 342.165, 342.167, 342.173, 342.175, 342.176, 342.177, 342.180,
6 342.183, 342.192, 342.195, 342.197, 342.200, 342.202, 342.203, 342.223, 342.227, 342.350, 342.360,
7 342.380, 342.390, 342.410, 342.420, 342.430, 342.437, 342.443, 342.447, 342.455, 342.465, 342.475,
8 342.485, 342.553, 342.856, 342.950, 342.971, 351.115, 419B.005, 419B.035, 675.520, 681.230 and
9 681.360; repealing ORS 342.135 and 342.140; and declaring an emergency.

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

11 **SECTION 1.** ORS 342.350 is amended to read:

12 342.350. (1) There is created a [*Teacher Standards and Practices Commission*] **Professional Ed-**
13 **ucator Standards Board** consisting of 17 members appointed by the Governor subject to confir-
14 mation by the Senate in the manner provided in ORS 171.562 and 171.565.

15 (2) The term of office of a member is three years. Before the expiration of the term of a member,
16 the Governor shall appoint a successor to assume the duties on January 1 next following. A member
17 is eligible for reappointment but only for one additional term. In case of a vacancy for any cause,
18 the Governor shall make an appointment to become immediately effective for the unexpired term.

19 (3) Any member who through change of employment standing or other circumstances no longer
20 meets the criteria for the position to which the member was appointed shall no longer be eligible
21 to serve in that position, and the position on the [*commission*] **board** shall become vacant 60 days
22 following the member's change in circumstances.

23 **SECTION 2.** (1) **The amendments to ORS 342.350 by section 1 of this 2015 Act are intended**
24 **to change the name of the "Teacher Standards and Practices Commission" to the "Profes-**
25 **sional Educator Standards Board."**

26 (2) **For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
27 **may substitute for words designating the "Teacher Standards and Practices Commission,"**
28 **wherever they occur in statutory law, other words designating the "Professional Educator**

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 **Standards Board.”**

2 **SECTION 3.** ORS 342.430 is amended to read:

3 342.430. On or before the 10th day of each month, the [*Teacher Standards and Practices Com-*
4 *mission*] **Professional Educator Standards Board** shall pay into the State Treasury all moneys
5 received under this chapter [*during the preceding calendar month*]. The State Treasurer shall credit
6 the moneys to the [*Teacher Standards and Practices Commission Account*] **Professional Educator**
7 **Standards Board Account**. The moneys in the [*Teacher Standards and Practices Commission Ac-*
8 *count*] **Professional Educator Standards Board Account** are continuously appropriated to the
9 [*commission*] **board** for the purpose of paying its administrative expenses.

10 **SECTION 4.** (1) **The amendments to ORS 342.430 by section 3 of this 2015 Act are intended**
11 **to change the name of the “Teacher Standards and Practices Commission Account” to the**
12 **“Professional Educator Standards Board Account.”**

13 **(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
14 **may substitute for words designating the “Teacher Standards and Practices Commission**
15 **Account,” wherever they occur in statutory law, other words designating the “Professional**
16 **Educator Standards Board Account.”**

17 **SECTION 5.** ORS 181.525 is amended to read:

18 181.525. Whenever any court or district attorney receives a disposition report and the court or
19 district attorney has cause to believe that the arrested person who is the subject of the report is
20 an employee of a school district or is licensed as a school teacher or administrator and that the
21 charge involves a violation of any crime listed in ORS 342.143 (3), the court or district attorney shall
22 cause the [*Teacher Standards and Practices Commission*] **Professional Educator Standards Board**
23 and the Department of Education to be sent a copy of the completed disposition report.

24 **SECTION 6.** ORS 329.788 is amended to read:

25 329.788. As used in ORS 329.788 to 329.820:

26 (1) “Beginning administrator” means a principal or superintendent who:

27 (a) Possesses [*an administrative license*] **a preliminary administrative license** issued by the
28 [*Teacher Standards and Practices Commission*] **Professional Educator Standards Board;**

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

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

31 (2) “Beginning teacher” means a teacher who:

32 (a) Possesses a **preliminary** teaching license **or reciprocal license** issued by the [*Teacher*
33 *Standards and Practices Commission*] **Professional Educator Standards Board;**

34 (b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and

35 (c) Has taught fewer than two school years as a licensed probationary teacher in any public,
36 private or state-operated school.

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

38 (a) Is an acting or retired teacher, principal or superintendent;

39 (b) Has met established best practice and researched-based criteria as defined by the State
40 Board of Education by rule;

41 (c) Possesses a teaching or administrative license issued by the [*Teacher Standards and Practices*
42 *Commission*] **Professional Educator Standards Board;**

43 (d) Has successfully served for five or more years as a licensed teacher, principal or super-
44 intendent in any public school; and

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

1 (4) "Mentorship program" means a program provided by a mentor to a beginning teacher or
 2 administrator that includes, but is not limited to, direct classroom observation and consultation,
 3 assistance in instructional planning and preparation, support in implementation and delivery of
 4 classroom instruction, development of school leadership skills and other assistance intended to assist
 5 the beginning teacher or administrator to become a confident and competent professional educator
 6 who makes a positive impact on student learning.

7 **SECTION 7.** ORS 329.800 is amended to read:

8 329.800. (1) Each school district that wishes to participate in the beginning teacher and admin-
 9 istrator mentorship program shall submit a formal application to the Department of Education. The
 10 application shall include:

11 (a) The names of all eligible beginning teachers and administrators employed by the school dis-
 12 trict and a description of their assignments; and

13 (b) A description of the proposed mentorship program, which must provide frequent contact, to-
 14 taling a minimum of 90 hours, between the mentors and beginning teachers and administrators
 15 throughout the school year.

16 (2) The school district shall certify in the application that no eligible beginning professional
 17 educators are or may be under a conditional license, except as provided in rules of the [*Teacher*
 18 *Standards and Practices Commission*] **Professional Educator Standards Board**.

19 **SECTION 8.** ORS 332.075, as amended by section 1, chapter 43, Oregon Laws 2014, is amended
 20 to read:

21 332.075. (1) Any district school board may:

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

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

25 (c) Authorize the use of the schools for purposes of training students of an approved [*teacher*
 26 *education institution*] **educator preparation provider**, as defined in ORS 342.120, and for such pur-
 27 poses may enter into contracts with the approved [*teacher education institutions*] **educator prepa-
 28 ration provider** on such terms as may be agreed upon. Such contracts as they relate to student
 29 teachers shall have the same effect and be subject to the same regulations as a contract between
 30 a licensed teacher and a district school board.

31 (d) Develop and operate with other school districts or community college districts secondary
 32 career and technical education programs for pupils of more than one district and fix by agreement
 33 the duration of the district's obligation to continue such activity, subject to the availability of funds
 34 therefor.

35 (e) Authorize the school district to be a member of and pay fees, if any, to any voluntary or-
 36 ganization that administers interscholastic activities or that facilitates the scheduling and pro-
 37 gramming of interscholastic activities.

38 (f) Accept money or property donated for the use or benefit of the school district and, consistent
 39 with the laws of this state, use such money or property for the purpose for which it was donated.

40 (g) Enter into an approved written agreement with the governing body of a federally recognized
 41 Native American tribe in Oregon to allow the use of a mascot that represents, is associated with
 42 or is significant to the Native American tribe entering into the agreement. An agreement entered
 43 into under this paragraph must:

44 (A) Describe the acceptable uses of the mascot;

45 (B) Comply with rules adopted by the State Board of Education that:

1 (i) Are adopted after consultation with the federally recognized tribes in Oregon pursuant to
 2 ORS 182.164 (3); and

3 (ii) Prescribe the requirements for approval; and

4 (C) Be approved by the State Board of Education, which the board must provide if the agreement
 5 meets the requirements of this paragraph and the rules adopted under this paragraph.

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

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

16 **SECTION 9.** ORS 336.635 is amended to read:

17 336.635. (1) The parent or guardian of a student may enroll the student in one of the proposed
 18 public alternative education programs or private alternative education programs of instruction or
 19 instruction combined with counseling if:

20 (a) The enrollment is necessary to meet the student's educational needs and interests.

21 (b) The program is appropriate and accessible to the student.

22 (c) For a program in a school district in which the student is a resident, the resident school
 23 district approves the enrollment.

24 (d) For a program in a school district in which the student is not a resident, the resident school
 25 district and the attending school district approve the enrollment.

26 (e) For a private alternative education program, the program is registered with the Department
 27 of Education.

28 (2) If the student is eligible for special education under ORS 343.221 to 343.236 and 343.261 to
 29 343.295, the program must be approved by the Department of Education prior to the placement of
 30 the student in the program.

31 (3) A student enrolled pursuant to this section is considered enrolled in the schools of the dis-
 32 trict offering the program for purposes of the distribution of the State School Fund.

33 (4) An alternative education program that is offered to a student who is not a resident of the
 34 school district may bill tuition to the school district where the student is a resident. The billing
 35 may be made annually or at the end of each term or semester of the alternative education program.
 36 For each full-time equivalent student enrolled in the alternative education program, the resident
 37 school district shall pay the actual cost of the program or an amount at least equivalent to 80 per-
 38 cent of the district's estimated current year's average per student net operating expenditure,
 39 whichever is less, in accordance with rules adopted by the State Board of Education. The alternative
 40 education program is accountable for the expenditures of all State School Fund moneys and other
 41 local school support moneys and shall provide the resident school district with an annual statement
 42 of the expenditures.

43 (5) A private alternative education program that is registered with the department is not re-
 44 quired to employ only licensed teachers or administrators. Teachers and administrators in private
 45 programs are not considered employees of any school district for purposes of ORS 342.173.

1 (6) A school district is not required to provide a public alternative education program if the
 2 student can be referred to public or approved private alternative education programs that are ap-
 3 propriate for and accessible to the student.

4 (7) Any [*basic, standard, initial or*] **preliminary teaching license**, professional teaching license
 5 or **distinguished** teacher leader license issued by the [*Teacher Standards and Practices*
 6 *Commission*] **Professional Educator Standards Board** is valid for teaching all subjects and grade
 7 levels in an alternative education program operated by a school district or education service dis-
 8 trict.

9 **SECTION 10.** ORS 338.120 is amended to read:

10 338.120. (1) In addition to any other requirements of this chapter for a public charter school, a
 11 virtual public charter school must have:

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

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

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

19 (d) A budget, business plan and governance plan for the operation of the school.

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

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

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

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

25 (A) All superintendents, assistant superintendents and principals of the school are licensed to
 26 administer by the [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
 27 **Board**; and

28 (B) Teachers who are licensed to teach by the [*Teacher Standards and Practices Commission*]
 29 **Professional Educator Standards Board** and who are highly qualified as described in the federal
 30 No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425) teach at least 95 percent of the
 31 school's instructional hours.

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

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

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

38 (h) A plan to provide equitable access to the education program of the school by ensuring that
 39 each student enrolled in the school:

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

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

45 (C) Has access to and use of computer and printer equipment and is offered Internet service cost

1 reimbursement.

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

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

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

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

13 (m) A plan to provide, at the time of a student's enrollment, written notice to the sponsor and,
 14 if different, to the school district where the student is a resident. Notification must be provided
 15 within 10 days after enrollment and must include:

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

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

18 (n) A plan to provide, at the time of a student's withdrawal for a reason other than graduation
 19 from high school, written notice to the sponsor and, if different, to the school district where the
 20 student is a resident. Notification must be provided within 10 days after withdrawal and must in-
 21 clude:

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

23 (B) The reason the student no longer is enrolled and, if applicable, the name of the school in
 24 which the student will enroll, if known to the virtual public charter school; and

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

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

28 (2) For a virtual public charter school:

29 (a) A person who is a member of the school district board for the sponsor of the virtual public
 30 charter school may not be:

31 (A) An employee of the virtual public charter school;

32 (B) A member of the governing body of the virtual public charter school; or

33 (C) An employee or other representative of any third-party entity with which the virtual public
 34 charter school has entered into a contract to provide educational services.

35 (b) A person who is a member of the governing body of the virtual public charter school may
 36 not be an employee of a third-party entity with which the virtual public charter school has entered,
 37 or intends to enter, into a contract to provide educational services.

38 (3) If a virtual public charter school enters into a contract with a third-party entity to provide
 39 educational services for the virtual public charter school:

40 (a) No employee or member of the governing board of the third-party entity may attend an
 41 executive session of the school district board of the school district that is the sponsor of the virtual
 42 public charter school;

43 (b) An employee of the virtual public charter school may not promote the sale or benefits of
 44 private supplemental services or classes offered by the third-party entity;

45 (c) The educational services provided by the third-party entity must be consistent with state

1 standards and requirements, and must be changed on the same timelines that changes are imposed
 2 on the nonvirtual public charter schools of this state; and

3 (d) The virtual public charter school must have on file the third-party entity’s budget for the
 4 provision of educational services and that budget must itemize:

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

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

9 (4)(a) The sponsor or a member of the public may request access to any of the documents de-
 10 scribed in subsections (1) and (3)(d) of this section that are public records, as provided by ORS
 11 192.410 to 192.505.

12 (b) Upon request by a sponsor or a member of the public, a virtual public charter school must
 13 provide reasonable access to the documents described in subsections (1) and (3)(d) of this section
 14 that are public records, as provided by ORS 192.410 to 192.505. The documents may be provided
 15 electronically.

16 **SECTION 11.** ORS 338.135 is amended to read:

17 338.135. (1) Employee assignment to a public charter school shall be voluntary.

18 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
 19 ployer of any employees of the public charter school. If a school district board is not the sponsor
 20 of the public charter school, the school district board may not be the employer of the employees of
 21 the public charter school and the school district board may not collectively bargain with the em-
 22 ployees of the public charter school. The public charter school governing body shall control the
 23 selection of employees at the public charter school.

24 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
 25 with a for-profit entity to provide educational services through the virtual public charter school, the
 26 for-profit entity may not be the employer of any employees of the virtual public charter school un-
 27 less:

28 (A) The employee is an administrator who does not have any teaching responsibilities; and

29 (B) Both the executive officer of the sponsor and the public charter school governing body ap-
 30 prove employment by the for-profit entity. The executive officer or governing body may choose to
 31 grant approval under this subparagraph:

32 (i) For all employees of the for-profit entity who meet the description in subparagraph (A) of this
 33 paragraph;

34 (ii) Based on the job categories of the employees who meet the description in subparagraph (A)
 35 of this paragraph; or

36 (iii) On a case-by-case basis for each employee who meets the description in subparagraph (A)
 37 of this paragraph.

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

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

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

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

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

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

11 (7)(a) Any person employed as an administrator in a public charter school shall be licensed or
 12 registered to administer by the [*Teacher Standards and Practices Commission*] **Professional Edu-
 13 cator Standards Board**.

14 (b) Any person employed as a teacher in a public charter school shall be licensed or registered
 15 to teach by the [*commission*] **Professional Educator Standards Board**.

16 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
 17 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
 18 the [*commission*] **Professional Educator Standards Board** pursuant to ORS [*342.135, 342.136,
 19 342.138 or 342.140*] **342.125**.

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

27 (9) An entity described in ORS 338.005 (5) may not waive the right to sponsor a public charter
 28 school in a collective bargaining agreement.

29 **SECTION 12.** ORS 338.135, as amended by section 7, chapter 327, Oregon Laws 2013, is
 30 amended to read:

31 338.135. (1) Employee assignment to a public charter school shall be voluntary.

32 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
 33 ployer of any employees of the public charter school. If a school district board is not the sponsor
 34 of the public charter school, the school district board may not be the employer of the employees of
 35 the public charter school and the school district board may not collectively bargain with the em-
 36 ployees of the public charter school. The public charter school governing body shall control the
 37 selection of employees at the public charter school.

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

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

45 (a) The charter of the public charter school is terminated or the public charter school is dis-

1 solved or closed during the leave of absence; or

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

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

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

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

14 (7)(a) Any person employed as an administrator in a public charter school shall be licensed or
15 registered to administer by the [*Teacher Standards and Practices Commission*] **Professional Edu-
16 cator Standards Board**.

17 (b) Any person employed as a teacher in a public charter school shall be licensed or registered
18 to teach by the [*commission*] **Professional Educator Standards Board**.

19 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
20 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
21 the [*commission*] **Professional Educator Standards Board** pursuant to ORS [*342.135, 342.136,
22 342.138 or 342.140*] **342.125**.

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

30 (9) An entity described in ORS 338.005 (5) may not waive the right to sponsor a public charter
31 school in a collective bargaining agreement.

32 **SECTION 13.** ORS 339.250 is amended to read:

33 339.250. (1) Public school students shall comply with rules for the government of such schools,
34 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' au-
35 thority.

36 (2) Each district school board shall adopt written policies for the discipline, suspension or ex-
37 pulsion of any refractory student. The policies:

38 (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited
39 to:

40 (A) Willful disobedience;

41 (B) Open defiance of the authority of a school employee;

42 (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;

43 (D) Use or display of profane or obscene language;

44 (E) Willful damage or injury to school property;

45 (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;

- 1 (G) Assault of a school employee or another student; or
2 (H) Intentional attempts, by word or conduct, to place a school employee or another student in
3 fear of imminent serious physical injury.
- 4 (b) Must limit the use of expulsion to the following circumstances:
5 (A) For conduct that poses a threat to the health or safety of students or school employees;
6 (B) When other strategies to change student conduct have been ineffective; or
7 (C) When the expulsion is required by law.
- 8 (c) Must require consideration of the age of a student and the past pattern of behavior of a
9 student prior to imposing the suspension or expulsion of a student.
- 10 (d) Must be limited so that:
11 (A) The duration of an expulsion may not be more than one calendar year.
12 (B) The duration of a suspension may not be more than 10 school days.
- 13 (e) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours
14 as an alternative to suspension if the total number of hours does not exceed the equivalent of 10
15 school days.
- 16 (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school
17 district shall develop a student handbook, code of conduct or other document that:
18 (a) Defines and helps create a learning environment that students respect;
19 (b) Defines acceptable norms of behavior for students and the types of behavior that are subject
20 to discipline;
21 (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety
22 of students or employees of the school;
23 (d) Establishes a system of consequences that are designed to correct student misconduct and
24 promote behavior within acceptable norms; and
25 (e) Makes the system of consequences known to the school community through the dissemination
26 of information to students, parents, legal guardians and school district employees.
- 27 (4) Each district school board shall adopt written policies on managing students who threaten
28 violence or harm in public schools. The policies adopted by a district school board under this section
29 shall include all of the following:
30 (a) Staff reporting methods.
31 (b) Provisions that allow an administrator to consider and implement any of the following
32 options:
33 (A) Immediately removing from the classroom setting any student who has threatened to injure
34 another person or to severely damage school property.
35 (B) Placing the student in a setting where the behavior will receive immediate attention, in-
36 cluding, but not limited to, the office of the school principal, vice principal, assistant principal,
37 counselor or a school psychologist licensed by the *[Teacher Standards and Practices Commission]*
38 **Professional Educator Standards Board** or the office of any licensed mental health professional.
39 (C) Requiring that a school obtain an evaluation of a student by a licensed mental health pro-
40 fessional before allowing the student to return to the classroom setting. A student who is removed
41 from the classroom setting for an evaluation may not be removed for more than 10 school days un-
42 less the administrator is able to show good cause that an evaluation could not be completed in that
43 time period. The policy must describe the circumstances under which the district school board may
44 enter into contracts with licensed mental health professionals to perform any evaluations required
45 under this subparagraph.

1 (c) The requirement that an administrator provide to the parent or legal guardian of the student
2 notification that describes the student's behavior and the school's response.

3 (d) A provision for the allocation of any funds necessary for the school district to implement the
4 policies described in this subsection.

5 (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school
6 board shall ensure that the policy is designed to:

7 (a) Protect students and school employees from harm;

8 (b) Provide opportunities for students to learn from their mistakes;

9 (c) Foster positive learning communities;

10 (d) Keep students in school and attending class;

11 (e) Impose disciplinary sanctions without bias against students from a protected class, as defined
12 in ORS 339.351;

13 (f) Implement a graduated set of age-appropriate responses to misconduct that are fair,
14 nondiscriminatory and proportionate in relation to each student's individual conduct;

15 (g) Employ a range of strategies for prevention, intervention and discipline that take into ac-
16 count a student's developmental capacities and that are proportionate to the degree and severity
17 of the student's misbehavior;

18 (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction
19 or instruction combined with counseling for the student that are appropriate and accessible to the
20 student in the following circumstances:

21 (A) Following a second or subsequent occurrence within any three-year period of a severe dis-
22 ciplinary problem with the student;

23 (B) When it has been determined that the student's attendance pattern is so erratic that the
24 student is not benefiting from the educational program; or

25 (C) When a parent or legal guardian applies for the student's exemption from compulsory at-
26 tendance on a semiannual basis as provided in ORS 339.030 (2);

27 (i) To the extent practicable, use approaches that are shown through research to be effective in
28 reducing student misbehavior and promoting safe and productive social behavior; and

29 (j) Ensure that school conduct and discipline codes comply with all state and federal laws con-
30 cerning the education of students with disabilities.

31 (6) Except for policies adopted under subsection (7) of this section, any policies adopted under
32 this section must provide for the dissemination of information about alternative programs of in-
33 struction or instruction combined with counseling, as described in subsection (5)(h) of this section,
34 in writing to the student and the parent, legal guardian or person in parental relationship with the
35 student at least once every six months, unless the information has changed because of the avail-
36 ability of new programs.

37 (7) Each district school board shall adopt a written policy involving firearms, as defined in 18
38 U.S.C. 921. The policy shall:

39 (a) Require expulsion from school for a period of not less than one year of any student who is
40 determined to have:

41 (A) Brought a firearm to a school, to school property under the jurisdiction of the school district
42 or to an activity under the jurisdiction of the school district;

43 (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction
44 of the school district or at an activity under the jurisdiction of the school district; or

45 (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity adminis-

1 tered by a voluntary organization.

2 (b) Allow exceptions:

3 (A) For courses, programs and activities approved by the school district that are conducted on
4 school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps
5 programs, firearm-related sports or firearm-related vocational courses; and

6 (B) Identified by and adopted by the State Board of Education by rule.

7 (c) Allow a superintendent of a school district to:

8 (A) Modify the expulsion requirement for a student on a case-by-case basis.

9 (B) Propose alternative programs of instruction or instruction combined with counseling for a
10 student that are appropriate and accessible to the student. If alternative programs are appropriate
11 for a student, the superintendent shall ensure that information about programs of instruction or in-
12 struction combined with counseling is provided in writing to the student and the parent, legal
13 guardian or person in parental relationship with the student at least once every six months, or at
14 any time the information changes because of the availability of new programs.

15 (d) Require a referral to the appropriate law enforcement agency of any student who is expelled
16 under this subsection.

17 (e) Require an annual reporting to the Department of Education of the name of each school that
18 had an expulsion under this subsection and the number of students expelled from each school.

19 (8) Each district school board shall adopt and disseminate written policies for the use of physical
20 force upon a student. The policies must allow an individual who is a teacher, administrator, school
21 employee or school volunteer to use reasonable physical force upon a student when and to the ex-
22 tent the application of force is consistent with ORS 339.291.

23 (9)(a) The authority to discipline a student does not authorize the infliction of corporal punish-
24 ment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public
25 charter school or the Department of Education that permits or authorizes the infliction of corporal
26 punishment upon a student is void and unenforceable.

27 (b) As used in this subsection:

28 (A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of,
29 physical pain on a student.

30 (B) "Corporal punishment" does not include:

31 (i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

32 (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition
33 or other such recreational activity, voluntarily engaged in by a student.

34 **SECTION 14.** ORS 339.374 is amended to read:

35 339.374. Except as provided in ORS 339.384, before an education provider may hire an applicant
36 for a position with the education provider, the education provider shall:

37 (1) Require the applicant to provide:

38 (a) A list of the applicant's current and former employers who are education providers.

39 (b) A written authorization that authorizes the applicant's current and former employers that
40 are education providers to disclose the information requested under subsection (2) of this section.

41 (c) A written statement of whether the applicant:

42 (A) Has been the subject of a substantiated report of abuse or sexual conduct; or

43 (B) Is the subject of an ongoing investigation related to a report of suspected abuse or sexual
44 conduct.

45 (2) Conduct a review of the employment history of the applicant by contacting the three most

1 recent employers of the applicant who are education providers and requesting:

2 (a) The following information:

3 (A) The dates of employment of the applicant by the education provider;

4 (B) Whether the applicant was the subject of any substantiated reports of abuse or sexual con-
5 duct related to the applicant's employment with the education provider;

6 (C) The dates of any substantiated reports;

7 (D) The definitions of abuse and sexual conduct used by the education provider when the edu-
8 cation provider determined that any reports were substantiated; and

9 (E) The standards used by the education provider to determine whether any reports were sub-
10 stantiated.

11 (b) Any disciplinary records required to be released as provided by ORS 339.388 (8).

12 (3) For an applicant who is licensed, registered or certified [*with the Teacher Standards and*
13 *Practices Commission*] **by the Professional Educator Standards Board**, access online information
14 provided by the [*commission*] **board** to verify:

15 (a) That the applicant is licensed, registered or certified by the [*commission*] **board**; and

16 (b) Whether the [*commission*] **board** has provided any information relating to conduct by the
17 applicant that may constitute abuse or sexual conduct.

18 (4) Conduct a nationwide criminal records check if required by ORS 326.603.

19 **SECTION 15.** ORS 339.388 is amended to read:

20 339.388. (1)(a) A school employee having reasonable cause to believe that a child with whom the
21 employee comes in contact has suffered abuse by another school employee or by a student, or that
22 another school employee or a student with whom the employee comes in contact has abused a child,
23 shall immediately report the information to:

24 (A) The person designated in the policy adopted under ORS 339.372; and

25 (B) A law enforcement agency, the Department of Human Services or a designee of the depart-
26 ment as required by ORS 419B.010 and 419B.015.

27 (b) A school employee having reasonable cause to believe that a student with whom the em-
28 ployee comes in contact has been subjected to sexual conduct by another school employee, or that
29 another school employee with whom the employee comes in contact has engaged in sexual conduct,
30 shall immediately report the information to the person designated in the policy adopted under ORS
31 339.372.

32 (2) A person who receives a report under subsection (1) of this section shall follow the proce-
33 dures required by the policy adopted by the school board under ORS 339.372.

34 (3)(a) Except as provided in subsection (4) of this section, when an education provider receives
35 a report of suspected abuse or sexual conduct by one of its employees, and the education provider's
36 designee determines that there is reasonable cause to support the report, the education provider:

37 (A) In the case of suspected abuse, shall place the school employee on paid administrative leave;
38 or

39 (B) In the case of suspected sexual conduct, may place the school employee on paid adminis-
40 trative leave or in a position that does not involve direct, unsupervised contact with children.

41 (b) A school employee who is placed on paid administrative leave under paragraph (a)(A) of this
42 subsection shall remain on administrative leave until:

43 (A) The Department of Human Services or a law enforcement agency determines that the report
44 cannot be substantiated or that the report will not be pursued; or

45 (B) The Department of Human Services or a law enforcement agency determines that the report

1 is substantiated and the education provider takes the appropriate disciplinary action against the
2 school employee.

3 (4) An education provider may reinstate a school employee placed on paid administrative leave
4 for suspected abuse as provided under subsection (3) of this section or may take the appropriate
5 disciplinary action against the employee if the Department of Human Services or a law enforcement
6 agency is unable to determine, based on a report of suspected abuse, whether abuse occurred.

7 (5) If, following an investigation, an education provider determines that a report of suspected
8 abuse or sexual conduct by a school employee is a substantiated report, the education provider shall:

9 (a) Inform the school employee that the education provider has determined that the report has
10 been substantiated.

11 (b) Provide the school employee with information about the appropriate appeal process for the
12 determination made by the education provider. The appeal process may be the process provided by
13 a collective bargaining agreement or a process administered by a neutral third party and paid for
14 by the school district.

15 (c) Following notice of a school employee's decision not to appeal the determination or following
16 the determination of an appeal that sustained the substantiated report, create a record of the sub-
17 stantiated report and place the record in the personnel file of the school employee. Records created
18 pursuant to this paragraph are confidential and are not public records as defined in ORS 192.410.
19 An education provider may use the record as a basis for providing the information required to be
20 disclosed under ORS 339.378.

21 (d) Inform the school employee that information about substantiated reports may be disclosed
22 to a potential employer as provided by subsection (8) of this section and ORS 339.378.

23 (6)(a) Notwithstanding the requirements of subsections (3), (4) and (5) of this section, an educa-
24 tion provider that is a private school:

25 (A) May discipline or terminate a school employee according to:

26 (i) The provisions of subsections (3) and (4) of this section; or

27 (ii) The standards and policies of the private school if the standards and policies provide the
28 same or greater safeguards for the protection of children compared to the safeguards described in
29 subsections (3) and (4) of this section.

30 (B) May follow the procedures described in subsection (5) of this section or may follow any ap-
31 peals process established by the private school related to suspected child abuse or sexual conduct.

32 (b) A private school that chooses to discipline or terminate a school employee according to the
33 standards and policies of the school must provide the information required to be disclosed under
34 ORS 339.378.

35 (7) Upon request from a law enforcement agency, the Department of Human Services or the
36 [*Teacher Standards and Practices Commission*] **Professional Educator Standards Board**, a school
37 district shall provide the records of investigations of suspected abuse by a school employee or for-
38 mer school employee.

39 (8)(a) The disciplinary records of a school employee or former school employee convicted of a
40 crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502.

41 (b) If a school employee is convicted of a crime listed in ORS 342.143, the education provider
42 that is the employer of the employee shall disclose the disciplinary records of the employee to any
43 person upon request.

44 (c) If a former school employee is convicted of a crime listed in ORS 342.143, the education
45 provider that was the employer of the former employee when the crime was committed shall disclose

1 the disciplinary records of the former employee to any person upon request.

2 (9) Prior to disclosure of a disciplinary record under subsection (8) of this section, an education
3 provider shall remove any personally identifiable information from the record that would disclose
4 the identity of a child, a crime victim or a school employee or former school employee who is not
5 the subject of the disciplinary record.

6 **SECTION 16.** ORS 341.535 is amended to read:

7 341.535. (1) Community college faculty are not required to have teaching licenses.

8 (2) Notwithstanding ORS 342.173, community college faculty who provide instruction in cooper-
9 ation with a school district for academic, career and technical education, school-to-work or other
10 work-related programs under ORS chapter 329 are not required to have teaching licenses. If the
11 faculty member is not a regular full-time employee of the community college, the school district shall
12 follow the instructor appraisal committee procedures adopted by the [*Teacher Standards and Prac-*
13 *tices Commission*] **Professional Educator Standards Board.**

14 (3) Until a community college becomes accredited by the Northwest Commission on Colleges and
15 Universities or its successor, the board shall obtain the approval of the accredited community col-
16 lege with which it contracts for curriculum and instructional services before employing any person
17 to teach transfer courses.

18 **SECTION 17.** ORS 342.120 is amended to read:

19 342.120. As used in this chapter, unless the context requires otherwise:

20 (1) "Administrator" includes but is not limited to all superintendents, assistant superintendents
21 and principals in the public schools or education service districts.

22 [(2) "*Approved teacher education institution*" is one which meets the standards of the *Teacher*
23 *Standards and Practices Commission* for preparation of teachers for preprimary programs and grades
24 *1 through 12.*]

25 [(3) "*Approved teacher education program*" is one offered by an approved teacher education insti-
26 *tution* and is so recognized by the *Teacher Standards and Practices Commission*, after considering
27 *recommendations of the State Board of Education.*]

28 [(4) "*Commission*" means the *Teacher Standards and Practices Commission.*]

29 **(2) "Approved educator preparation program" is a licensure program offered by an ap-**
30 **proved educator preparation provider and recognized by the Professional Educator Standards**
31 **Board.**

32 **(3) "Approved educator preparation provider" is a provider that meets the standards of**
33 **the Professional Educator Standards Board for preparation of licensed educators for prepri-**
34 **mary programs through grade 12.**

35 [(5)] **(4) "Educational assistant" means a classified school employee who does not require a li-**
36 **cence to teach, who is employed by a school district or education service district and whose as-**
37 **ignment consists of and is limited to assisting a licensed teacher in accordance with rules**
38 **established by the State Board of Education.**

39 [(6)] **(5) "Instruction" includes direction of learning in class, in small groups, in individual situ-**
40 **ations, in the library and in guidance and counseling, but does not include the provision of related**
41 **services, as defined in ORS 343.035, to a child identified as a child with a disability pursuant to ORS**
42 **343.146 to 343.183 when provided in accordance with ORS 343.221.**

43 [(7)] **(6) "Intern teacher" means a regularly enrolled student of an approved [*teacher education***
44 ***institution*] educator preparation provider who teaches under the supervision of the staff of the**
45 **[*institution*] provider and of the employing school district in order to acquire practical experience**

1 in teaching and for which the student receives both academic credit from the [institution] **provider**
 2 and financial compensation from the school district or education service district.

3 [(8) "State board" means the State Board of Education.]

4 [(9) (7) "Teacher" includes all licensed employees in the public schools or employed by an ed-
 5 ucation service district who have direct responsibility for instruction, coordination of educational
 6 programs or supervision or evaluation of teachers and who are compensated for their services from
 7 public funds. "Teacher" does not include a school nurse as defined in ORS 342.455.

8 [(10) (8) "Teaching license" means a license issued under ORS 342.125 or 342.144.

9 [(11) (9) "Underrepresented person" means:

10 (a) A person having origins in any of the black racial groups of Africa, but who is not Hispanic;

11 (b) A person of Hispanic culture or origin;

12 (c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the
 13 Indian subcontinent or the Pacific Islands; or

14 (d) An American Indian or Alaskan Native having origins in any of the original peoples of North
 15 America.

16 **SECTION 18.** ORS 342.121 is amended to read:

17 342.121. (1) The [Teacher Standards and Practices Commission] **Professional Educator Stan-**
 18 **dards Board** shall issue licenses to teachers and administrators who possess the minimum compe-
 19 tencies, knowledge and skills to teach and administer in the public schools of the state.

20 (2)(a) In addition to a teaching or administrative license, a person may obtain professional cer-
 21 tification, indicating a higher degree of competency, knowledge and skill based on work experience
 22 and advanced study, from a professional organization of teachers or administrators on the national
 23 level. A professional teaching certificate or administrative certificate is not required to teach or
 24 administer in a public school of this state.

25 (b) In addition to holding an administrative license as a superintendent, a person who is a su-
 26 perintendent of an education service district shall obtain certification, indicating a higher degree
 27 of competency, knowledge and skill based on work experience and advanced study, from the [com-
 28 mission] **board**. The certificate shall be designed to ensure that the superintendent has knowledge
 29 of theories related to change, strategic planning and financial planning and is capable of formulating
 30 interorganizational cooperation and developing partnerships. The certificate described in this para-
 31 graph is required for a person to be a superintendent of an education service district of this state.

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

33 342.122. (1) There is created the National Board Certification Fund, separate and distinct from
 34 the General Fund. Interest earned on moneys in the National Board Certification Fund shall be
 35 credited to the fund.

36 (2) The [Teacher Standards and Practices Commission] **Professional Educator Standards**
 37 **Board** may accept from any source any grant, donation or gift of money or other valuable thing
 38 made to the [commission] **Professional Educator Standards Board** for purposes of the National
 39 Board Certification Fund.

40 (3) Moneys credited to the National Board Certification Fund are continuously appropriated to
 41 the [commission] **Professional Educator Standards Board** for the purposes set forth in subsections
 42 (4) and (5) of this section. The [commission] **Professional Educator Standards Board** may draw
 43 checks or orders upon the State Treasurer in making disbursements from the fund for the purposes
 44 stated in this subsection.

45 (4) Moneys in the National Board Certification Fund shall be used to encourage public school

1 teachers and administrators in this state to apply for and attain certification through the National
 2 Board for Professional Teaching Standards or any other national professional organization for
 3 teaching standards designated by the *[Teacher Standards and Practices Commission]* **Professional**
 4 **Educator Standards Board**.

5 (5) The *[Teacher Standards and Practices Commission]* **Professional Educator Standards**
 6 **Board** may disburse moneys from the National Board Certification Fund to applicants for assistance
 7 with the direct costs of seeking and obtaining national board certification. The *[commission]* **Pro-**
 8 **fessional Educator Standards Board** shall manage the fund in a manner that provides support, but
 9 does not pay for all the costs of any one application. Additionally, the *[commission]* **Professional**
 10 **Educator Standards Board** shall manage the fund to provide continuous support to as many ap-
 11 plicants as possible.

12 (6) The *[Teacher Standards and Practices Commission]* **Professional Educator Standards**
 13 **Board** shall adopt rules that govern the disbursement of moneys from the National Board Certi-
 14 fication Fund consistent with this section.

15 **SECTION 20.** ORS 342.123 is amended to read:

16 342.123. (1) In addition to and not in lieu of any other law or rule or standard established by
 17 the *[Teacher Standards and Practices Commission, the commission]* **Professional Educator Stan-**
 18 **dards Board, the board** shall require an applicant for a first-time license or registration issued by
 19 the *[commission]* **board** to demonstrate knowledge of:

20 (a) Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and
 21 other relevant federal and state statutes prohibiting discrimination; and

22 (b) Ethical standards of professional conduct for licensees and registrants, as determined by the
 23 *[commission]* **board**.

24 (2) The requirements of this section do not apply to an applicant who is present in the United
 25 States on a nonimmigrant visa.

26 **SECTION 21.** ORS 342.125 is amended to read:

27 342.125. (1) Teaching licenses shall be issued and renewed by the *[Teacher Standards and Prac-*
 28 *tices Commission]* **Professional Educator Standards Board** by the authority of the State of Oregon,
 29 subject to ORS 342.120 to 342.430 and the rules of the *[commission]* **board**.

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

31 *[(a) Basic teaching license.]*

32 *[(b) Standard teaching license.]*

33 *[(c) Administrative license.]*

34 *[(d) Restricted teaching license.]*

35 *[(3)]* **(2)** Subject to ORS 342.130 and to subsection *[(4)]* **(3)** of this section *[and in addition to the*
 36 *teaching licenses described in subsection (2) of this section]*, licenses shall be of the following types:

37 (a) *[Initial]* **Preliminary** teaching license.

38 (b) Professional teaching license.

39 (c) **Distinguished** teacher leader license.

40 (d) *[Initial]* **Preliminary** personnel service license.

41 (e) *[Continuing]* **Professional** personnel service license.

42 (f) *[Initial]* **Preliminary** administrative license.

43 (g) *[Continuing]* **Professional** administrative license.

44 **(h) Reciprocal license.**

45 **(i) Legacy license.**

1 [(4)] (3) The [Teacher Standards and Practices Commission] **board** may establish other types of
 2 teaching licenses as [it] **the board** considers necessary for operation of the public schools of the
 3 state and may prescribe the qualifications for the licenses. However, no license established under
 4 the authority of this subsection is required for a regular classroom teaching position in the public
 5 schools.

6 [(5)(a)] (4)(a) The [Teacher Standards and Practices Commission] **board** shall establish a public
 7 charter school teacher and administrator registry. The [commission] **board** shall require the appli-
 8 cant and the public charter school to jointly submit an application requesting registration as a
 9 public charter school teacher or administrator. The application shall include:

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

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

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

16 (b) Subject to the results of the criminal records check and background check and to informa-
 17 tion received under ORS 342.143 (2), the [commission] **board** shall approve the application for reg-
 18 istration. The [commission] **board** may deny a request for registration only on the basis of the
 19 criminal records check, the background check through an interstate clearinghouse of revoked and
 20 suspended licenses or the information received under ORS 342.143 (2). The registration is valid for
 21 [three years and] **a term established by the board and, subject to information received under**
 22 **ORS 342.143 (2)**, may be renewed upon joint application from the teacher or administrator and the
 23 public charter school.

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

27 (d) A registration as a public charter school administrator qualifies its holder to accept the ad-
 28 ministrator position described in the application in the public charter school that submitted the
 29 application with the holder of the registration.

30 [(6)] (5) The [Teacher Standards and Practices Commission] **board** shall adopt an expedited pro-
 31 cess for the issuance of any license established pursuant to this section. The process may require
 32 a school district superintendent or school district board and the applicant to jointly submit an ap-
 33 plication requesting an emergency license. Within two working days after receiving a completed
 34 application the [commission] **board** shall issue the emergency license. However, the [commission]
 35 **board** may limit the number of applications for expedited service from a school district or education
 36 service district to not more than 100 applications in a period of two working days. For purposes of
 37 this subsection, the [commission] **board** may not distinguish between a school district or education
 38 service district involved in a labor dispute and any other school district or education service dis-
 39 trict.

40 **SECTION 22.** ORS 342.127 is amended to read:

41 342.127. (1) The [Teacher Standards and Practices Commission] **Professional Educator Stan-**
 42 **dards Board** shall establish and [the commission shall] collect:

43 (a) A fee not to exceed [\$100] **\$500** for evaluation of the initial application for each [teaching]
 44 **educator** license for which application is made. If the applicant is eligible for the [teaching] **edu-**
 45 **icator** license for which application is made [and the license is issued within 90 days of original ap-

1 *plication, the commission*], **the board** shall issue the license without additional charge.

2 (b) A fee not to exceed [*\$100*] **\$500** for the renewal of each [*teaching*] **educator** license and a fee
3 not to exceed [*\$20*] **\$50** for each [*duplicate teaching*] **official paper** license.

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

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

8 [(e) (d) A fee not to exceed [*\$75*] **\$500** for registration as a public charter school teacher or
9 administrator that includes any fee charged pursuant to rules adopted under ORS 181.534.

10 [(f) (e) A fee not to exceed [*\$75*] **\$500** for renewal of a registration as a public charter school
11 teacher or administrator that includes any fee charged pursuant to rules adopted under ORS 181.534.

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

16 (3) In addition to the fees required by subsection (1) of this section, the [*Teacher Standards and*
17 *Practices Commission*] **board** shall collect a late application fee not to exceed [*\$25*] **\$50** per month
18 up to a maximum of [*\$125*] **\$300** from an applicant who fails to make timely application for renewal
19 of the license or registration. The actual amount of the fee shall be determined in accordance with
20 rules of the [*Teacher Standards and Practices Commission*] **board**.

21 **(4) In addition to the fees required by subsection (1) of this section, the board shall col-**
22 **lect a late application fee not to exceed \$500 for the reinstatement of an expired license. The**
23 **requirements for reinstatement and the actual amount of the fee shall be determined in ac-**
24 **cordance with rules of the board.**

25 [(4) (5) [*In spite of*] **Notwithstanding** the expiration date posted on the license, the license shall
26 continue to be valid for [*purposes of ORS 342.173 for an additional 120 days. However, the district*
27 *may require a statement from the applicant indicating that the applicant has completed the requirements*
28 *for license renewal.*] **an additional 120 days, provided the educator has made a timely applica-**
29 **tion, as determined by the board, for renewal prior to the expiration date on the license.**

30 [(5) (6) In addition to the fee required by subsection (1) of this section for the issuance of [*a*
31 *teaching license, the commission*] **an educator license, the board** shall collect a fee not to exceed
32 [*\$150*] **\$300** for the reinstatement of a license that has been **suspended or** revoked by the [*commis-*
33 *sion*] **board** for gross neglect of duty or gross unfitness under ORS 342.175.

34 [(6) (7) In addition to the fee required by subsection (1) of this section for the issuance of [*a*
35 *teaching license, the commission*] **an educator license, the board** shall collect a fee not to exceed
36 [*\$100*] **\$300** for the issuance of any emergency license through an expedited process at the request
37 of any school district, **public charter school** or education service district that seeks to employ the
38 applicant. **The fee shall be paid by the school district, public charter school or education**
39 **service district.**

40 [(7) (8) Fee rates established under this section shall cover, but not exceed, the full cost of
41 administrative expenses incurred by the [*commission*] **board** during any biennium.

42 **SECTION 23.** ORS 342.130 is amended to read:

43 342.130. (1) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life of any certificate
44 or diploma in effect on June 30, 1965, nor to invalidate the rights granted prior to June 30, 1965,
45 by the law and the rules of the State Board of Education under which the certificate or diploma

1 was issued.

2 (2) Nothing in chapter 550, Oregon Laws 1965, is intended to invalidate the life of any teaching
3 certificate in effect on August 13, 1965, or to alter the rights and privileges granted prior to August
4 13, 1965, by the law under which the teaching certificate was issued.

5 (3) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life of any basic or standard
6 teaching or administrative license in effect prior to January 15, 1999, nor to invalidate the rights
7 granted prior to January 15, 1999, by the law and by the rules *[of the Teacher Standards and Prac-*
8 *tices Commission]* under which the license was issued.

9 **(4) Nothing in this 2015 Act is intended to invalidate the life of any teaching, adminis-**
10 **trative or personnel service license in effect on the effective date of this 2015 Act or to alter**
11 **the rights and privileges granted prior to the effective date of this 2015 Act by the law under**
12 **which the license was issued.**

13 **SECTION 24.** ORS 342.136 is amended to read:

14 342.136. (1) *[An initial]* **A preliminary** teaching, personnel service or administrative license shall
15 qualify its holder to accept any assignment from preprimary through grade 12 for which the holder
16 has completed the requirements established by the rules of the *[Teacher Standards and Practices*
17 *Commission]* **Professional Educator Standards Board.**

18 (2) *[An initial]* **A preliminary** license shall be issued on application to an otherwise qualified
19 person who has completed an approved professional education program and meets such other re-
20 quirements as the *[commission]* **board** may consider necessary to maintain and improve the quality
21 of instruction in the public schools of the state.

22 (3) *[An initial]* **A preliminary** license may be renewed if the applicant meets the requirements
23 established by the *[commission by rule and may be renewed every three years up to three times]* **board**
24 **by rule.**

25 (4) The *[commission]* **board** shall develop a process that allows a teacher holding *[an initial]* **a**
26 **preliminary** teaching license to **continually** renew the *[initial]* **preliminary** teaching license *[after*
27 *the time limit imposed by subsection (3) of this section]* **based on the completion of requirements**
28 **established by the rules of the board** if the teacher does not qualify for a professional teaching
29 license due to lack of employment.

30 **SECTION 25.** ORS 342.137 is amended to read:

31 342.137. (1) A **distinguished** teacher leader license shall designate that its holder is qualified
32 to provide leadership that may include mentoring, curriculum development support, teacher prepa-
33 ration support and other educational leadership.

34 (2) A **distinguished** teacher leader license shall be issued on application to an otherwise quali-
35 fied person who:

36 (a) Has a valid professional teaching license; and

37 (b) Has been deemed to be effective to highly effective in teaching, as shown by evaluations
38 conducted in compliance with ORS 342.856 or as shown by other evidence identified by the *[Teacher*
39 *Standards and Practices Commission]* **Professional Educator Standards Board** by rule.

40 (3) A **distinguished** teacher leader license may be renewed if the applicant meets the require-
41 ments established by the *[Teacher Standards and Practices Commission]* **board** by rule.

42 (4) The *[Teacher Standards and Practices Commission]* **board** shall develop a process by which
43 a teacher holding a **distinguished** teacher leader license is automatically issued a professional
44 teaching license upon nonrenewal of a **distinguished** teacher leader license if the teacher meets the
45 requirements for a professional teaching license.

1 **SECTION 26.** ORS 342.138 is amended to read:

2 342.138. (1) A professional teaching license, a [*continuing*] **professional** personnel service license
3 or a [*continuing*] **professional** administrative license [*shall qualify*] **qualifies** the holder to accept
4 any assignments for preprimary through grade 12 for which the holder has completed the advanced
5 requirements established by the rules of the [*Teacher Standards and Practices Commission*] **Profes-**
6 **sional Educator Standards Board.**

7 (2) A professional teaching license, a [*continuing*] **professional** personnel service license or a
8 [*continuing*] **professional** administrative license shall be issued on application [*for five years*] to an
9 otherwise qualified person who has:

10 (a) Completed an advanced professional education program approved by the [*commission*]
11 **board;**

12 [*(b) Been employed for a minimum period of time to be determined by the commission in:]*

13 [*(A) An Oregon public school;*]

14 [*(B) An Oregon private school that meets the standards adopted by the commission by rule; or]*

15 [*(C) Another educational setting approved by the commission; and]*

16 **(b) Been employed in an educational setting for a minimum period of time established**
17 **by the board by rule; and**

18 (c) Demonstrated minimum competencies, knowledge and skills required for the professional
19 teaching license, [*continuing*] **professional** personnel service license or [*continuing*] **professional**
20 administrative license through an approved [*teacher education institution*] **educator preparation**
21 **provider**, school district, professional organization identified in ORS 342.121, or professional as-
22 sessment approved by the [*commission*] **board.**

23 (3) The holder of a professional teaching license, [*continuing*] **professional** personnel service li-
24 cense or [*continuing*] **professional** administrative license may renew the license in accordance with
25 the rules of the [*commission*] **board.**

26 [*(4) A professional teaching license shall indicate that the holder has taught for more than three*
27 *and one-half years and is ready to take on advanced roles and responsibilities as a teacher, including*
28 *mentoring, curriculum development support, teacher preparation support and other educational leader-*
29 *ship.]*

30 **SECTION 27.** ORS 342.143 is amended to read:

31 342.143. (1) No teaching, personnel service or administrative license may be issued to any person
32 until the person has attained the age of 18 years and has furnished satisfactory evidence of proper
33 educational training.

34 (2) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
35 **Board** may require an applicant for a teaching, personnel service or administrative license or for
36 registration as a public charter school teacher or administrator to furnish evidence satisfactory to
37 the [*commission*] **board** of good moral character, mental and physical health, and such other evi-
38 dence as it may deem necessary to establish the applicant's fitness to serve as a teacher or admin-
39 istrator.

40 (3) Without limiting the powers of the [*Teacher Standards and Practices Commission*] **board** un-
41 der subsection (2) of this section:

42 (a) [*No*] **A** teaching, personnel service or administrative license or registration as a public
43 charter school teacher or administrator may **not** be issued to any person who:

44 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,
45 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433,

1 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),
 2 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087,
 3 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808, 475.810, 475.812,
 4 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.858, 475.860, 475.862, 475.868,
 5 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

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

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

10 (D) Has had a teaching, personnel service or administrative license or registration revoked in
 11 another jurisdiction for a reason that is substantially equivalent, as defined by rule, to a reason
 12 described in ORS 342.175 and the revocation is not subject to further appeal. A person whose priv-
 13 ilege to apply for a license or registration is denied under this subparagraph may apply for rein-
 14 statement of the privilege as provided in ORS 342.175 (4).

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

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

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

22 **SECTION 28.** ORS 342.144 is amended to read:

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

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

27 (3) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
 28 **Board** shall establish an American Indian languages teaching license.

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

- 33 (a) Which dialects will be used on the test;
- 34 (b) Whether the tribe will standardize the tribe’s writing system; and
- 35 (c) How the teaching methods will be evaluated in the classroom.

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

38 (6) The [*commission*] **board** may not require an applicant to hold a specific academic degree, to
 39 complete a specific amount of education or to complete [*a teacher education*] **an educator prepa-**
 40 **ration** program to receive an American Indian languages teaching license.

41 (7)(a) An American Indian languages teaching license qualifies the holder to accept a teaching
 42 position in a school district, public charter school, education service district, community college or
 43 public university listed in ORS 352.002.

44 (b) A holder of an American Indian languages teaching license who does not also have a
 45 teaching license issued under ORS 342.125 may not teach in a school district or education service

1 district any subject other than the American Indian language the holder of the license is approved
 2 to teach by the tribe.

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

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

13 (b) The holder of an American Indian languages teaching license who does not also have an
 14 administrative license, teaching license or registration issued under ORS 342.125 and who is em-
 15 ployed by a school district, public charter school or education service district shall participate in
 16 a technical assistance program with a person holding a teaching license issued by the *[commission]*
 17 **board** under ORS 342.125. The technical assistance program shall meet the guidelines specified in
 18 ORS 329.815 (2) to (4).

19 (9) An American Indian languages teaching license shall be valid for *[three years]* **a term es-**
 20 **tablished by the board** and may be renewed upon application from the holder of the license.

21 **SECTION 29.** ORS 342.147 is amended to read:

22 342.147. (1) After considering recommendations of the State Board of Education, the *[Teacher*
 23 *Standards and Practices Commission]* **Professional Educator Standards Board** shall establish by
 24 rule standards for approval of *[teacher education institutions and teacher education programs]* **edu-**
 25 **cator preparation providers and educator preparation programs.** Public *[teacher education in-*
 26 *stitutions]* **educator preparation providers** shall be approved for programs of more than four years’
 27 duration only if *[teacher education programs which]* **educator preparation programs that** are rea-
 28 sonably attainable in a four-year period are also available in the system of higher education and are
 29 designed to culminate in a baccalaureate degree that qualifies its graduates for *[entry-level]* **pre-**
 30 **liminary** teaching licenses.

31 (2) The *[commission]* **board** shall establish rules that allow *[teacher education]* **approved edu-**
 32 **cator preparation** programs leading to graduate degrees to commence prior to the student’s com-
 33 pletion of baccalaureate degree requirements and that allow the combined use of undergraduate and
 34 graduate level course work in achieving program completion.

35 (3) Whenever any *[teacher education institution]* **educator preparation provider** or program is
 36 denied approved status or has such status withdrawn, such denial or withdrawal must be treated
 37 as a contested case within the meaning of ORS chapter 183.

38 (4) Nothing in this section is intended to grant any authority to the *[commission]* **Professional**
 39 **Educator Standards Board** relating to granting degrees or establishing degree requirements that
 40 are within the authority of the State Board of Higher Education or any of the public universities
 41 listed in ORS 352.002, or that are within the authority of the governing board of any private insti-
 42 tution of higher education.

43 **SECTION 30.** ORS 342.153 is amended to read:

44 342.153. (1) Any applicant for a teaching license to provide education to students who are blind,
 45 as defined in ORS 343.565, shall be required to demonstrate proficiency in reading and writing

1 Braille, as defined in ORS 343.565.

2 (2) Any applicant for a teaching license to provide education to students who are blind shall be
 3 required to demonstrate proficiency by completion of grade I and grade II Braille coursework at a
 4 college level.

5 (3) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
 6 **Board** shall adopt procedures to assess the proficiencies developed through workshops and courses
 7 in grade I and grade II Braille that are consistent with standards set by the National Library Ser-
 8 vice for the Blind and Physically Handicapped at the Library of Congress.

9 **SECTION 31.** ORS 342.156 is amended to read:

10 342.156. A person teaching a distance learning course originating in Oregon must:

11 (1) Have a teaching license issued by the [*Teacher Standards and Practices Commission*] **Pro-**
 12 **fessional Educator Standards Board** with the appropriate subject matter endorsement; or

13 (2) Be employed by a post-secondary institution accredited by the Northwest Commission on
 14 Colleges and Universities or its successor, and have the appropriate subject matter preparation.

15 **SECTION 32.** ORS 342.165 is amended to read:

16 342.165. (1) Pursuant to ORS chapter 183, the [*Teacher Standards and Practices Commission*]
 17 **Professional Educator Standards Board** shall adopt rules necessary for the issuance, denial,
 18 continuation, renewal, lapse, revocation, suspension or reinstatement of licenses or registrations is-
 19 sued under ORS 342.120 to 342.430. The [*commission*] **board** shall also adopt rules establishing means
 20 in addition to those prescribed by law whereby teachers are able to add additional endorsements to
 21 their teaching licenses.

22 (2) In establishing rules the [*commission*] **board** shall consider:

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

24 (b) The capabilities of Oregon [*teacher education institutions*] **educator preparation providers**
 25 to prepare teachers;

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

27 (d) The improvement of teaching;

28 (e) The adequacy of the teacher supply;

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

30 (g) The responsibilities imposed upon school districts by geographic and demographic conditions;

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

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

34 **SECTION 33.** ORS 342.167 is amended to read:

35 342.167. (1) The [*Teacher Standards and Practices Commission*] **Professional Educator Stan-**
 36 **dards Board** shall notify the State Board of Education of proposed rules and shall solicit its advice
 37 before adoption.

38 (2) Within 60 days after receiving notice from the [*commission*] **Professional Educator Stan-**
 39 **dards Board** of adoption of a rule, the State Board **of Education** on its motion or upon request
 40 shall review the rule to determine if the rule serves the public interest.

41 (3) [*Where*] **If** the State Board **of Education** finds, pursuant to its review as held under sub-
 42 section (2) of this section, that the rule reviewed is not in the public interest, the State Board **of**
 43 **Education** shall request **that** the [*commission to*] **Professional Educator Standards Board** set
 44 aside or amend the rule.

45 **SECTION 34.** ORS 342.173 is amended to read:

1 342.173. (1) Any school district that employs any person not properly licensed by the [Teacher
 2 Standards and Practices Commission] **Professional Educator Standards Board** and assigned in
 3 accordance with the terms specified by the person’s license shall forfeit in State School Fund mon-
 4 eys due the district an amount determined by the [Teacher Standards and Practices Commission]
 5 **board** not to exceed the amount of the salary paid to the person for the time during which the
 6 person is employed. The forfeiture is effective unless:

7 (a) The assignments are made with justification satisfactory to the [Teacher Standards and
 8 Practices Commission] **Professional Educator Standards Board**.

9 (b) The [teacher] **person** is employed by a post-secondary institution that is accredited by the
 10 Northwest Commission on Colleges and Universities or its successor, and that has a contract with
 11 a school district under which the teacher is teaching at the high school level. The contract shall
 12 be approved annually by the State Board of Education under rules adopted by the board, including
 13 criteria for a teacher’s qualifications under subparagraph (C) of this paragraph. The contract shall:

14 (A) Be for a specific instructional assignment for which the district does not have appropriately
 15 licensed personnel either on staff or available to be placed on staff after a reasonably diligent
 16 search;

17 (B) Be approved annually by the governing boards of the post-secondary institution and the
 18 school district including a written determination that appropriately licensed personnel have not be-
 19 come available since the previous contract for the assignment;

20 (C) Provide evidence that the [teacher’s] **person’s** qualifications are appropriate for the assign-
 21 ment;

22 (D) Allow the [teacher] **person** to teach no more than two high school units of credit or the
 23 equivalent per year; and

24 (E) Not be valid during a school closure, strike or summer session.

25 (c) The person is teaching a live, interactive distance learning course originating outside the
 26 state.

27 (2) A school district shall be required under subsection (1) of this section to forfeit not more
 28 than \$1,000 of State School Fund moneys due the district if the license has lapsed during the time
 29 of employment with the district and the holder had at the time the license expired all the quali-
 30 fications necessary to renew the license.

31 (3) Notwithstanding subsections (1) and (2) of this section, a school district employing unlicensed
 32 staff members in positions requiring licensed personnel during the time of a labor dispute shall for-
 33 feit in State School Fund moneys an amount equal to the daily salary rate multiplied by the number
 34 of teaching days for each unlicensed teaching employee during the entire labor dispute.

35 (4) If the State Board of Education finds a contract to be in violation of the provisions of sub-
 36 section (1)(b) of this section, the board shall report the violation to the [Teacher Standards and
 37 Practices Commission] **Professional Educator Standards Board**, which shall proceed as provided
 38 in subsection (1) of this section.

39 (5) Any education service district that employs any person not properly licensed by the [Teacher
 40 Standards and Practices Commission] **Professional Educator Standards Board** and assigned in
 41 accordance with the terms specified in the person’s license shall pay from its funds an amount de-
 42 termined by the [Teacher Standards and Practices Commission] **board** not to exceed the amount of
 43 salary paid to the person for the time during which the person was employed. The payment shall
 44 be required unless the assignment is made with justification satisfactory to the [commission]
 45 **board**. All amounts received under this subsection shall be credited to the State School Fund.

1 (6) An education service district shall be required under subsection (5) of this section to pay a
 2 penalty of not more than \$1,000 if the license has lapsed during the time of employment with the
 3 district and the holder had at the time the license expired all the qualifications necessary to renew
 4 the license.

5 (7) Subject to any applicable collective bargaining agreement, an education service district re-
 6 quired to pay any penalty under subsection (6) of this section is entitled to recover one-half of the
 7 amounts paid from the licensed personnel whose unlicensed status caused the payment. Recovery
 8 may not exceed one-half of the amount paid that is attributable to the licensed person.

9 (8) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
 10 **Board** shall notify districts of the licensing expiration dates of their employees who are reported
 11 to the [*commission*] **board**. The reporting shall be done in a manner specified by the [*commission*]
 12 **board**.

13 (9) Subject to any applicable collective bargaining agreement, a district required to forfeit any
 14 State School Fund moneys under subsection (2) of this section is entitled to recover one-half of the
 15 amounts forfeited from the licensed personnel whose unlicensed status caused the forfeiture. Re-
 16 covery may not exceed one-half of the amount forfeited that is attributable to the particular licensed
 17 person.

18 (10) A school district or education service district that assigns a teacher to be present in the
 19 classroom during a live, interactive distance learning presentation may not be subject to the forfei-
 20 ture described in subsection (1) of this section solely because the assignment does not conform to
 21 the terms specified on the license of the teacher.

22 **SECTION 35.** ORS 342.175 is amended to read:

23 342.175. (1) The [*Teacher Standards and Practices Commission*] **Professional Educator Stan-**
 24 **dards Board** may suspend or revoke the license or registration of a teacher or administrator, **may**
 25 discipline a teacher or administrator or **may** suspend or revoke the right of any person to apply for
 26 a license or registration if the licensee, registrant or applicant has held a license or registration at
 27 any time within five years prior to issuance of the notice of charges under ORS 342.176 based on
 28 the following:

- 29 (a) Conviction of a crime not listed in ORS 342.143 (3);
- 30 (b) Gross neglect of duty;
- 31 (c) Any gross unfitness;
- 32 (d) Conviction of a crime for violating any law of this or any state or of the United States in-
 33 volving the illegal use, sale or possession of controlled substances;
- 34 (e) Any false statement knowingly made in an application for issuance, renewal or reinstatement
 35 of a license or registration; or
- 36 (f) Failure to comply with any condition of reinstatement under subsection (4) of this section or
 37 any condition of probation under ORS 342.177 (3)(b).

38 (2) If a person is enrolled in an approved [*teacher education institution or*] **educator preparation**
 39 **provider or approved educator preparation** program under ORS 342.147, the [*commission*] **board**
 40 may issue a public reprimand or **may** suspend or revoke the right to apply for a license or regis-
 41 tration based on the following:

- 42 (a) Conviction of a crime listed in ORS 342.143 (3) or a crime described by the [*commission*]
 43 **board** by rule;
- 44 (b) Conviction of a crime for violating any law of this or any state or of the United States in-
 45 volving the illegal use, sale or possession of controlled substances; or

1 (c) Any conduct that may cause the [commission] **board** to suspend or revoke the license or
 2 registration of a teacher.

3 (3) The [commission] **board** shall revoke any license or registration and shall revoke the right
 4 of any person to apply for a license or registration if the person has held a license or registration
 5 at any time and the holder or applicant has been convicted of any crime described in ORS 342.143
 6 (3).

7 (4) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (5) of
 8 this section, any person whose license or registration has been suspended or revoked or whose
 9 privilege to apply for a license or registration has been revoked may apply to the [commission]
 10 **board** for reinstatement of the license or registration after one year from the date of the suspension
 11 or revocation. The [commission] **board** may require an applicant for reinstatement to furnish evi-
 12 dence satisfactory to the [commission] **board** of good moral character, mental and physical health
 13 and such other evidence as the [commission] **board** may consider necessary to establish the
 14 applicant's fitness. The [commission] **board** may impose a probationary period and such conditions
 15 as it considers necessary upon approving an application for reinstatement.

16 (5) The [commission] **board** shall reconsider immediately a license or registration suspension or
 17 revocation or the situation of a person whose privilege to apply for a license or registration has
 18 been revoked, upon application therefor, when the license or registration suspension or revocation
 19 or the privilege revocation is based on a criminal conviction that is reversed on appeal.

20 (6) Violation of rules adopted by the [commission] **board** relating to competent and ethical per-
 21 formance of professional duties shall be admissible as evidence of gross neglect of duty or gross
 22 unfitness.

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

25 **SECTION 36.** ORS 342.176 is amended to read:

26 342.176. (1) The [Teacher Standards and Practices Commission] **Professional Educator Stan-**
 27 **dards Board** shall promptly undertake an investigation upon receipt of a complaint or information
 28 that may constitute grounds for:

29 (a) Refusal to issue a license or registration, as provided under ORS 342.143;

30 (b) Suspension or revocation of a license or registration, discipline of a person holding a license
 31 or registration, or suspension or revocation of the right to apply for a license or registration, as
 32 provided under ORS 342.175; or

33 (c) Discipline for failure to provide appropriate notice prior to resignation, as provided under
 34 ORS 342.553.

35 (2) The [commission] **board** may appoint an investigator and shall furnish the investigator with
 36 appropriate professional and other special assistance reasonably required to conduct the investi-
 37 gation, and the investigator is empowered to subpoena witnesses over the signature of the executive
 38 director, swear witnesses and compel obedience in the same manner as provided under ORS 183.440
 39 (2).

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

42 (a) The [commission] **board**, meeting in executive session, at its next regular meeting following
 43 completion of the investigation; and

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

45 (4)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used

1 in the investigation and the report of the executive director are confidential and not subject to
 2 public inspection unless the [commission] **board** makes a final determination to:

3 (A) Refuse to issue a license or registration, as provided under ORS 342.143;

4 (B) Suspend or revoke a license or registration, discipline a person holding a license or regis-
 5 tration, or suspend or revoke the right to apply for a license or registration, as provided under ORS
 6 342.175; or

7 (C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided
 8 under ORS 342.553.

9 (b) Records made available to the [commission] **board** under ORS 419B.035 (1)(h) shall be kept
 10 confidential.

11 (5) If the [commission] **board** finds from the report that there is sufficient cause to justify hold-
 12 ing a hearing under ORS 342.177, it shall notify in writing:

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

15 (b) The complainant; and

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

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

19 (a) The person charged;

20 (b) The complainant; and

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

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

24 **SECTION 37.** ORS 342.177 is amended to read:

25 342.177. (1)(a) Hearings under ORS 342.176 shall be conducted by an administrative law judge
 26 assigned from the Office of Administrative Hearings established under ORS 183.605.

27 (b) Any hearing conducted under this subsection shall be private unless the person against
 28 whom the charge is made requests a public hearing. Students attending school in the employing
 29 district may not attend any hearing except as witnesses duly subpoenaed to testify with respect to
 30 the charges made. Students attending a public charter school that employs the person may not at-
 31 tend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made.
 32 The person against whom the charge is made shall have the right to be represented by counsel and
 33 to present evidence and argument. The evidence must be confined to the charges.

34 (2) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
 35 **Board** or the person charged may have subpoenas issued to compel attendance at the hearing. The
 36 person charged may have subpoenas issued by an attorney of record subscribed by the signature of
 37 the attorney or by the executive director. Witnesses appearing pursuant to subpoena, other than the
 38 parties or officers or employees of the [commission] **board**, shall receive fees and mileage as pre-
 39 scribed by law for witnesses in ORS 44.415 (2). The [commission] **board** or the person charged shall
 40 have the right to compel the attendance and obedience of witnesses in the same manner as provided
 41 under ORS 183.440 (2).

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

1 (a) Issue a public reprimand.

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

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

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

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

8 (4) If the decision of the [commission] **board** is that the charge is not proven, the [commission]
9 **board** shall order the charges dismissed.

10 (5) The [commission] **board** shall notify in writing the person charged, the employing school
11 district or public charter school and the Superintendent of Public Instruction of the decision.

12 **SECTION 38.** ORS 342.180 is amended to read:

13 342.180. (1) Any person whose license or registration has been suspended or revoked or who has
14 been disciplined, or who has been refused issuance or reinstatement of a license or registration, and
15 is aggrieved at the decision of the [*Teacher Standards and Practices Commission*] **Professional Ed-
16 ucator Standards Board**, may appeal in the manner provided in ORS 183.480.

17 (2) If the Superintendent of Public Instruction, the district school board or the public charter
18 school employing the teacher or administrator is aggrieved at the decision of the [commission]
19 **Professional Educator Standards Board**, the superintendent, the **district school** board or the
20 school may appeal from the decision in the manner provided in ORS 183.480.

21 (3) Unless the decision of the [commission] **Professional Educator Standards Board** is ac-
22 companied by a finding that immediate suspension or revocation of the teaching license or regis-
23 tration is necessary to protect the safety and well-being of students, an appeal made under this
24 section in a proceeding to suspend or revoke shall operate as a stay of the suspension or revocation,
25 if any, until the determination of the appeal.

26 **SECTION 39.** ORS 342.183 is amended to read:

27 342.183. (1) The [*Teacher Standards and Practices Commission*] **Professional Educator Stan-
28 dards Board** may issue a letter of informal reproof to a person licensed, registered or certified by
29 the [commission] **board** if:

30 (a) Following the completion of an investigation, the [commission] **board** determines that the
31 person has engaged in conduct that affects the person's ability to be professionally effective, based
32 on standards adopted by the [commission] **board** by rule; and

33 (b) Subject to subsection (5) of this section, the [commission] **board** agrees not to pursue disci-
34 plinary action against the person under ORS 342.175 and the person agrees to the terms of the letter
35 of informal reproof, including a monitoring period.

36 (2) A letter of informal reproof issued as provided by subsection (1) of this section shall es-
37 tablish the terms of a monitoring period for the person to whom the letter is issued.

38 (3) Upon the issuance of a letter of informal reproof, the [commission] **board** shall notify the
39 employer of the person to whom the letter is issued, including any terms of the letter that the em-
40 ployer may need to know to assist the person in complying with the terms of the letter.

41 (4) A letter of informal reproof issued as provided by subsection (1) of this section:

42 (a) Is confidential; and

43 (b) Except when a disciplinary action is taken as provided in subsection (5) of this section, may
44 not be posted on an interstate clearinghouse related to educator license sanctions.

45 (5) If a person fails to comply with the terms of a letter of informal reproof, the [commission]

1 **board** may take disciplinary action against the person based on one or both of the following:

2 (a) The conduct underlying the letter of informal reproof; or

3 (b) The failure to comply with the terms of the letter of informal reproof.

4 (6) If the executive director of the [commission] **board** determines that a person failed to meet
5 the terms of a letter of informal reproof, the executive director shall report the failure to the
6 [commission] **board** for the [commission] **board** to make a final determination pursuant to ORS
7 342.176.

8 (7) The documents and materials used in an investigation for the purposes of this section are
9 confidential and are not subject to public inspection unless the [commission] **board** makes a final
10 determination to discipline the person pursuant to ORS 342.175.

11 **SECTION 40.** ORS 342.192 is amended to read:

12 342.192. (1) Except as provided in subsection (4) of this section, the [*Teacher Standards and*
13 *Practices Commission*] **Professional Educator Standards Board** shall not issue a license to an
14 out-of-state applicant unless the applicant has met the professional requirements established by rule
15 by the [commission] **board** and has completed a course of study substantially similar to that required
16 for an in-state applicant.

17 (2) Notwithstanding subsection (1) of this section, if the [commission] **board** establishes that the
18 position or positions to be filled are in a geographic or subject matter area in which there are an
19 insufficient number of in-state applicants, the [commission] **board** may issue a license to an out-of-
20 state applicant who has completed a course of study approved by the [commission] **board**.

21 (3) In situations described in subsection (2) of this section, the [commission] **board** shall adopt
22 by rule standards providing for equal treatment for graduates of approved Oregon colleges and
23 universities.

24 (4) Notwithstanding subsection (1) of this section, the [commission] **board** may enter into a re-
25 ciprocal agreement with the appropriate official of any other state for licensure of applicants from
26 the state if the [commission] **board** determines that the standards and requirements for certification
27 or licensure in that state are substantially similar to the standards and requirements for licensure
28 under applicable statutes of this state and rules of the [commission] **board**.

29 (5) Teachers granted licenses under subsections (2), (3) and (4) of this section shall be required
30 to meet all standards required of Oregon teachers, including the requirements of ORS 342.123, not
31 later than three years following the date of initial granting of the license.

32 **SECTION 41.** ORS 342.195 is amended to read:

33 342.195. (1) An otherwise qualified applicant for [*an initial or basic*] a **preliminary** teaching li-
34 cense shall be granted the license upon payment of the required fees and the showing by proof sat-
35 isfactory to the [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
36 **Board** that:

37 (a) While the applicant was in the Peace Corps program or was a volunteer under section 603
38 of the Economic Opportunity Act of 1964 (Public Law 88-452), the applicant:

39 (A) Completed two years of satisfactory service that emphasized teaching in any preprimary
40 program or in any grade 1 through 12 in subjects regularly taught in public schools; and

41 (B)(i) Has completed an approved [*teacher education*] **educator preparation** program; or

42 (ii) Has earned at least a baccalaureate degree from an accredited institution of higher educa-
43 tion and has completed a teacher training program provided under the auspices of the federal pro-
44 gram; or

45 (b) The applicant was a certified instructor for the Armed Forces of the United States, if the

1 applicant provides the [*commission*] **board** with documentation of military training or experience
 2 that the [*commission*] **board** determines is substantially equivalent to the training required for [*an*
 3 *initial or basic*] **a preliminary** teaching license.

4 (2)(a) The [*commission*] **board** shall establish by rule an expedited process by which a military
 5 spouse or domestic partner who is licensed to teach in another state may apply for and obtain a
 6 teaching license.

7 (b) As used in this subsection, “military spouse or domestic partner” means a spouse or domestic
 8 partner of an active member of the Armed Forces of the United States who is the subject of a mil-
 9 itary transfer to Oregon.

10 **SECTION 42.** ORS 342.197 is amended to read:

11 342.197. The requirements of ORS [*342.135 (3)(a),*] 342.136 and 342.138 may be met by [*teaching*]
 12 **having licensed educator** experience in:

13 (1) A licensed career school, as defined in ORS 345.010.

14 (2) A private school that meets standards adopted by the [*Teacher Standards and Practices*
 15 *Commission*] **Professional Educator Standards Board** by rule.

16 **SECTION 43.** ORS 342.200 is amended to read:

17 342.200. (1) In order to allow the school districts of the state to take full advantage of various
 18 professional skills and disciplines not directly developed through teaching experience or professional
 19 education for which teaching experience is a prerequisite, it is the public policy of the State of
 20 Oregon that the [*Teacher Standards and Practices Commission, in establishing professional require-*
 21 *ments and experience under ORS 342.140,*] **Professional Educator Standards Board, when con-**
 22 **sidering an applicant for an administrative license,** shall consider professional skills, education
 23 and experience not directly related to, nor contingent upon, teaching experience or training as a
 24 classroom teacher.

25 (2) The [*commission*] **board** shall establish and prescribe the requirements for an optional ad-
 26 vanced leadership endorsement for licensed public school administrators who engage in mentoring,
 27 professional support for new teachers or administrators, outstanding instructional leadership and
 28 demonstrated school improvement.

29 **SECTION 44.** ORS 342.202 is amended to read:

30 342.202. (1) The Department of Education, in partnership with the [*Teacher Standards and*
 31 *Practices Commission*] **Professional Educator Standards Board**, shall create a comprehensive
 32 leadership development system for administrators licensed under ORS 342.125.

33 (2) The comprehensive leadership development system must include:

34 (a) A cost-effective plan that requires the coordination of public and private organizations and
 35 resources to:

36 (A) Improve the success of this state’s highest needs students;

37 (B) Provide research and technical assistance to schools seeking to adopt or enhance evidence-
 38 based leadership practices;

39 (C) Recruit underrepresented persons into the field of public school leadership; and

40 (D) Strengthen the capacity of administrators to improve education in public schools in this
 41 state;

42 (b) A plan for collaboration and continuous improvement among administrator preparation pro-
 43 grams approved by the [*Teacher Standards and Practices Commission*] **Professional Educator**
 44 **Standards Board** to support performance-based assessments for administrators and candidates for
 45 administrative licensure;

1 (c) A plan for recruitment of underrepresented persons into administrator leadership programs;

2 (d) The improvement of access to high quality preparation and professional development for ad-
3 ministrators working in rural school districts;

4 (e) A method for disseminating evidence-based practices to support the development of effective
5 principals and teachers; and

6 (f) A method for providing research and technical assistance to school districts to encourage the
7 placement of the most highly effective teachers in the highest need schools.

8 **SECTION 45.** ORS 342.203 is amended to read:

9 342.203. (1) Annually not later than March 1, the [*Teacher Standards and Practices*
10 *Commission*] **Professional Educator Standards Board** shall cause to be circulated among all of the
11 common and union high school districts and education service districts in this state a list of:

12 (a) All teachers and administrators whose teaching or administrative licenses have been sus-
13 pended or revoked or who have been reprimanded or placed on probation during the preceding 12
14 months.

15 (b) All students at approved [*teacher education institutions or*] **educator preparation providers**
16 **or approved educator preparation** programs under ORS 342.147 whose right to apply for a license
17 or registration has been suspended or revoked during the preceding 12 months.

18 (2) If the decision of the [*commission*] **board** is appealed under ORS 342.180, the name of the
19 teacher, administrator or student shall not be placed on the list authorized by subsection (1) of this
20 section unless and until such decision has been sustained by the Court of Appeals or until the appeal
21 has been dropped.

22 **SECTION 46.** ORS 342.223 is amended to read:

23 342.223. (1) For the purpose of requesting a state or nationwide criminal records check under
24 ORS 181.534, the [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
25 **Board** may require the fingerprints of:

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

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

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

33 (d) A person who is registering with the [*commission*] **board** for student teaching, practicum or
34 internship as a teacher, administrator or personnel specialist, if the person has not submitted to a
35 criminal records check by the [*commission*] **board** within the previous three years for student
36 teaching, practicum or internship as a teacher, administrator or personnel specialist.

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

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

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

SECTION 47. ORS 342.227 is amended to read:

342.227. The [*Teacher Standards and Practices Commission*] **Professional Educator Standards Board** may issue to an individual a temporary license or certificate as a teacher, administrator, personnel specialist or school nurse pending the return of the criminal records check by the Federal Bureau of Investigation.

SECTION 48. ORS 342.360 is amended to read:

342.360. (1) The membership of the [*Teacher Standards and Practices Commission*] **Professional Educator Standards Board** shall consist of:

- (a) Four elementary teachers;
- (b) Four [*junior or senior*] **middle school or** high school teachers;
- (c) One elementary school administrator;
- (d) One [*junior or senior*] **middle school or** high school administrator;
- (e) One superintendent of [*city schools*] **a school district**;
- (f) One [*county superintendent or a superintendent employed by an education service district board*] **superintendent of an education service district**;
- (g) One member from the faculty of [*an approved private teacher education institution*] **a private approved educator preparation provider** in Oregon;
- (h) One member from the faculty of a public university listed in ORS 352.002;
- (i) One member who is also a member of a district school board; and
- (j) Two members of the general public.

(2) Except for those members appointed under subsection (1)(i) and (j) of this section, members must have been actively engaged in teaching, [*supervising*] **personnel service work** or administering in the public schools or in approved [*teacher education institutions*] **educator preparation providers** in Oregon for the period of five years immediately preceding appointment. Acting as an elected representative of teachers, [*supervisors*] **personnel service workers** or administrators shall be considered teaching, [*supervising*] **personnel service work** or administering for the purposes of the five-year experience requirement. In addition, members appointed under subsection (1)(a) to (f) of this section must hold valid Oregon teaching, **personnel service** or administrative licenses [*other than restricted teaching or administrative licenses*].

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

(b) As used in this subsection, “special education” means specially designed education to meet the goals of the individualized education program of a child with a disability including regular classroom instruction, instruction in physical education, home instruction, related services and instruction in hospitals, institutions and special schools.

SECTION 49. ORS 342.380 is amended to read:

342.380. (1) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards Board** shall select one of its members as chairperson, and another as vice chairperson, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the [*commission*] **board** shall determine.

(2) A majority of the [*commission*] **board** constitutes a quorum for the transaction of business.

SECTION 50. ORS 342.390 is amended to read:

342.390. (1) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards Board** shall meet at least once every six months at a place, day and hour determined by the

1 [commission] board. The [commission] board shall also meet at such other times and places as are
 2 specified by the call of the chairperson or of a majority of the members of the [commission] board.

3 (2) A member of the [commission] board who is employed at a public school or by a private
 4 [teacher education institution] educator preparation provider or by a public university listed in
 5 ORS 352.002 [shall receive no]:

6 (a) **May not receive** compensation for services as a member[; *but subject to any other applicable*
 7 *law regulating travel and other expenses for state officers, the member*].

8 (b) Shall receive actual and necessary travel and other expenses incurred in the performance
 9 of official duties as provided by ORS 292.495 (2) **and subject to any other applicable law regu-**
 10 **lating travel and other expenses for state officers.**

11 (3) A member of the [commission] board who serves on the [commission] board in the capacity
 12 of a district school board member or as a member of the general public shall be entitled to com-
 13 pensation and expenses as provided in ORS 292.495 (1) and (2).

14 **SECTION 51.** ORS 342.410 is amended to read:

15 342.410. The [Teacher Standards and Practices Commission] **Professional Educator Standards**
 16 **Board** shall appoint a qualified person as executive director and may, subject to the State Personnel
 17 Relations Law, employ persons to provide such service as the [commission] board shall require.

18 **SECTION 52.** ORS 342.420 is amended to read:

19 342.420. (1) Membership on the [Teacher Standards and Practices Commission] **Professional**
 20 **Educator Standards Board** shall not affect a member's compensation from the employer of the
 21 member or any other benefits to which the member is entitled.

22 (2) A school district required to employ a substitute for a teacher or administrator who is absent
 23 from employment while performing duties as a member of the [Teacher Standards and Practices
 24 Commission] board shall be entitled to reimbursement for the district's actual expenses in employing
 25 the substitute. Reimbursement for the expense of employing such substitutes shall be made by the
 26 [commission] board from the [Teacher Standards and Practices Commission Account] **Professional**
 27 **Educator Standards Board Account.**

28 **SECTION 53.** ORS 342.437 is amended to read:

29 342.437. As a result of this state's commitment to ethnic-racial equality, the goal of this state
 30 is that, by July 1, 2015, the following shall be increased by 10 percent as compared to July 1, 2012:

31 (1) The number of minority teachers and administrators employed by school districts and edu-
 32 cation service districts; and

33 (2) The number of minority students enrolled in public [teacher education] **educator preparation**
 34 programs.

35 **SECTION 54.** ORS 342.443 is amended to read:

36 342.443. (1) The Oregon Education Investment Board shall report biennially to the Legislative
 37 Assembly longitudinal data on the number and percentage of:

- 38 (a) Minority students enrolled in community colleges;
- 39 (b) Minority students applying for admission to public universities listed in ORS 352.002;
- 40 (c) Minority students accepted in public universities;
- 41 (d) Minority students graduated from public universities;
- 42 (e) Minority candidates seeking to enter public [teacher education] **educator preparation** pro-
 43 grams in this state;
- 44 (f) Minority candidates admitted to public [teacher education] **educator preparation** programs;
- 45 (g) Minority candidates who have completed approved public [teacher education] **educator**

1 **preparation** programs;

2 (h) Minority candidates receiving Oregon teaching licenses based on preparation in this state
3 and preparation in other states;

4 (i) Minority teachers who are newly employed in the public schools in this state; and

5 (j) Minority teachers already employed in the public schools.

6 (2) The board also shall report comparisons of minorities' and nonminorities' scores on basic
7 skills, pedagogy and subject matter tests.

8 (3) The Oregon University System, the public universities with governing boards listed in ORS
9 352.054, the Department of Education, the [*Teacher Standards and Practices Commission*] **Profes-**
10 **sional Educator Standards Board**, community colleges and school districts shall cooperate with
11 the **Oregon Education Investment Board** in collecting data and preparing the report.

12 **SECTION 55.** ORS 342.443, as amended by section 5, chapter 778, Oregon Laws 2013, is
13 amended to read:

14 342.443. (1) The Education and Workforce Policy Advisor shall report biennially to the Legisla-
15 tive Assembly longitudinal data on the number and percentage of:

16 (a) Minority students enrolled in community colleges;

17 (b) Minority students applying for admission to public universities listed in ORS 352.002;

18 (c) Minority students accepted in public universities;

19 (d) Minority students graduated from public universities;

20 (e) Minority candidates seeking to enter public [*teacher education*] **educator preparation** pro-
21 grams in this state;

22 (f) Minority candidates admitted to public [*teacher education*] **educator preparation** programs;

23 (g) Minority candidates who have completed [*approved public teacher education*] **public educator**
24 **preparation** programs;

25 (h) Minority candidates receiving Oregon teaching licenses based on preparation in this state
26 and preparation in other states;

27 (i) Minority teachers who are newly employed in the public schools in this state; and

28 (j) Minority teachers already employed in the public schools.

29 (2) The advisor also shall report comparisons of minorities' and nonminorities' scores on basic
30 skills, pedagogy and subject matter tests.

31 (3) The Oregon University System, the public universities with governing boards listed in ORS
32 352.054, the Department of Education, the [*Teacher Standards and Practices Commission*] **Profes-**
33 **sional Educator Standards Board**, community colleges and school districts shall cooperate with
34 the advisor in collecting data and preparing the report.

35 **SECTION 56.** ORS 342.447 is amended to read:

36 342.447. (1) The State Board of Higher Education shall require each public [*teacher education*]
37 **educator preparation** program in this state to prepare a plan with specific goals, strategies and
38 deadlines for the recruitment, admission, retention and graduation of minority teachers.

39 (2) The state board shall review the plans for the adequacy and feasibility of the plans and, after
40 making necessary revisions, shall adopt the plans.

41 (3) The state board shall adopt rules governing:

42 (a) The contents of the plans;

43 (b) The state board's initial and biennial review process, including timetables for revising plans;
44 and

45 (c) Other matters necessary for carrying out the provisions of ORS 342.433 to 342.449 and

1 351.077.

2 **SECTION 57.** ORS 342.455 is amended to read:

3 342.455. “School nurse” as used in ORS 342.465 and 342.475, means a registered nurse who is
 4 certified by the [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
 5 **Board** as qualified to conduct and coordinate the health services programs of a school.

6 **SECTION 58.** ORS 342.465 is amended to read:

7 342.465. (1) The [*Teacher Standards and Practices Commission*] **Professional Educator Stan-**
 8 **dards Board** shall adopt by rule standards necessary for the issuance, denial, continuation, renewal,
 9 lapse or reinstatement of certificates issued under ORS 342.475 (1) to (3) and for **the** establishment
 10 and collection of fees for certification as a school nurse. The [*commission*] **board** may adopt by rule
 11 procedures for revocation of a certificate issued under ORS 342.475 (1) to (3) that are consistent
 12 with ORS 342.175 to 342.190.

13 (2) The Oregon State Board of Nursing shall notify the [*commission*] **Professional Educator**
 14 **Standards Board** whenever the [*board*] **Oregon State Board of Nursing** takes any action on a li-
 15 cense issued under ORS chapter 678 [*which*] **that** might affect the ability of the license holder to
 16 practice as a school nurse.

17 **SECTION 59.** ORS 342.475 is amended to read:

18 342.475. (1) “School nurse” is established as a category of specialization in nursing.

19 (2) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
 20 **Board** shall issue a certificate as a school nurse to a person who complies with the rules established
 21 by the [*commission*] **Professional Educator Standards Board** for the certification and practice of
 22 school nursing or who has been certified by the Oregon State Board of Nursing as a school nurse
 23 practitioner. In establishing rules for the certification and practice of any specialization of school
 24 nursing, the [*commission*] **Professional Educator Standards Board** shall consider the recommen-
 25 dations of the Oregon State Board of Nursing.

26 (3) The [*commission*] **Professional Educator Standards Board** may issue an emergency certif-
 27 icate that authorizes a person licensed as a registered nurse in this state who does not meet the
 28 requirements of subsection (2) of this section to practice as a school nurse. Such certificates shall
 29 be issued for a limited time as set by the [*commission*] **Professional Educator Standards Board**.

30 (4) Notwithstanding subsections (1) to (3) of this section, the [*commission*] **Professional Edu-**
 31 **cator Standards Board** shall issue a certificate in a school nurse specialization category to a reg-
 32 istered nurse who applies for certification and who is employed by a school, school district or
 33 education service district to conduct and coordinate a school or district health services program or
 34 who serves in such a capacity on a voluntary basis on November 1, 1981. A certificate issued under
 35 this subsection shall be issued without further proof of qualification by the applicant.

36 (5) A certificate issued under this section is not a teaching license. The nurse holding a certif-
 37 icate issued under this section is not subject to ORS 238.280 or 342.805 to 342.937.

38 **SECTION 60.** ORS 342.485 is amended to read:

39 342.485. The [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
 40 **Board** shall consult with and advise the Oregon State Board of Nursing on the qualifications and
 41 practices involved in school nursing.

42 **SECTION 61.** ORS 342.553 is amended to read:

43 342.553. (1) Upon notice from a district school board of the resignation of a person who is li-
 44 censed by or registered with the [*Teacher Standards and Practices Commission*] **Professional Edu-**
 45 **cator Standards Board**, the [*commission*] **Professional Educator Standards Board** may discipline

1 the person if the person entered into a written contract to work in a public school and resigned the
2 position without first providing 60 days' written notice, or the notice required in the applicable
3 collective bargaining agreement, to the district superintendent or the school board.

4 (2) In disciplining a person as provided under this section, the [*commission*] **Professional Edu-**
5 **cator Standards Board** shall follow the procedure set forth in ORS 342.175 (4), 342.176 and 342.177.

6 **SECTION 62.** ORS 342.856 is amended to read:

7 342.856. (1) The State Board of Education, in consultation with the [*Teacher Standards and*
8 *Practices Commission*] **Professional Educator Standards Board**, shall adopt core teaching stan-
9 dards to improve student academic growth and learning by:

10 (a) Assisting school districts in determining the effectiveness of teachers and administrators and
11 in making human resource decisions; and

12 (b) Improving the professional development and the classroom and administrative practices of
13 teachers and administrators.

14 (2) The core teaching standards adopted under this section must:

15 (a) Take into consideration multiple measures of teacher effectiveness, based on widely accepted
16 standards of teaching that encompass a range of appropriate teaching behaviors and that use mul-
17 tiple evaluation methods;

18 (b) Take into consideration evidence of student academic growth and learning based on multiple
19 measures of student progress, including performance data of students, schools and school districts;

20 (c) Be research-based;

21 (d) Be separately developed for teachers and administrators; and

22 (e) Be able to be customized for each school district, which may include individualized weighting
23 and application of standards.

24 (3) The core teaching standards adopted under this section must attempt to:

25 (a) Strengthen the knowledge, skills, disposition and classroom and administrative practices of
26 teachers and administrators in public schools;

27 (b) Refine the support, assistance and professional growth opportunities offered to a teacher or
28 an administrator, based on the individual needs of the teacher or administrator and the needs of the
29 students, the school and the school district of the teacher or administrator;

30 (c) Allow each teacher or administrator to establish a set of classroom or administrative prac-
31 tices and student learning objectives that are based on the individual circumstances of the teacher
32 or administrator, including the classroom or other assignments of the teacher or administrator;

33 (d) Establish a formative growth process for each teacher and administrator that supports pro-
34 fessional learning and collaboration with other teachers and administrators; and

35 (e) Use evaluation methods and professional development, support and other activities that are
36 based on curricular standards and that are targeted to the needs of each teacher and administrator.

37 (4) A school district board must include the core teaching standards adopted under this section
38 for all evaluations of teachers and administrators of the school district. The standards shall be
39 customized based on the collaborative efforts of the teachers and administrators of the school dis-
40 trict and the exclusive bargaining representative of the employees of the school district.

41 **SECTION 63.** ORS 342.950 is amended to read:

42 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists
43 of the Oregon Education Investment Board, the Department of Education and public and private
44 entities that receive funding as provided by this section to accomplish the purposes of the network
45 described in subsection (2) of this section.

1 (2) The purposes of the network are the following:

2 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-
3 fession of teaching among providers of early learning services, teachers and administrators in
4 kindergarten through grade 12, education service districts and [*teacher education institutions*] **edu-**
5 **cator preparation providers.**

6 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-
7 ment, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824,
8 329.838, 342.433 to 342.449 and 342.805 to 342.937.

9 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-
10 port of educators.

11 (3) To accomplish the purposes of the network described in subsection (2) of this section, the
12 Department of Education, subject to the direction and control of the Chief Education Officer, shall
13 distribute funding as follows:

14 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and consor-
15 tiums that are any combination of those entities for the purpose of supporting the implementation
16 of common core state standards.

17 (b) To school districts and nonprofit organizations for the purposes of complying with the core
18 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-
19 scribed by federal law.

20 (c) To school districts and nonprofit organizations for the purpose of providing teachers with
21 opportunities for professional collaboration and professional development and for the pursuit of ca-
22 reer pathways in a manner that is consistent with the School District Collaboration Grant Program
23 described in ORS 329.838.

24 (d) To school districts and nonprofit organizations for the purpose of providing beginning
25 teachers and administrators with mentors in a manner that is consistent with the beginning teacher
26 and administrator mentorship program described in ORS 329.788 to 329.820.

27 (e) To school districts for the purposes of obtaining assessments and developing professional
28 development plans to meet school improvement objectives and educator needs.

29 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose
30 of closing achievement gaps by providing and improving the effectiveness of professional develop-
31 ment, implementing data-driven decision making, supporting practice communities and implementing
32 culturally competent practices.

33 (g) To school districts and nonprofit organizations for the purposes of developing and engaging
34 in proficiency-based or student-centered learning practices and assessments.

35 (h) To school districts, nonprofit organizations and post-secondary institutions for the purposes
36 of strengthening educator preparation programs and supporting the development and sustainability
37 of partnerships between providers of early learning services, public schools with any grades from
38 kindergarten through grade 12 and post-secondary institutions.

39 (i) To providers of early learning services, nonprofit organizations and post-secondary insti-
40 tutions for the purposes of providing professional development and supporting providers of early
41 learning services with opportunities for professional collaboration and advancement.

42 (4) The Oregon Education Investment Board shall support the network by:

43 (a) Conducting and coordinating research to determine best practices and evidence-based mod-
44 els.

45 (b) Working with educator preparation programs to ensure ongoing collaboration with education

1 providers.

2 (c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as
3 described in ORS 342.437.

4 (d) Creating and supporting a statewide plan for increasing the successful recruitment of high-
5 ability and culturally diverse candidates to work in high-need communities and fields.

6 (5) The Department of Education shall support the network by:

7 (a) Developing a system that ensures statewide dissemination of best practices and evidence-
8 based models.

9 (b) Supporting the development and implementation of standards-based curriculum, high-leverage
10 practices and assessments that promote student learning and improve outcomes for students learning
11 English as a second language and for students with disabilities.

12 (c) Administering the distribution of funding as described in subsection (3) of this section.

13 (6) The Oregon Education Investment Board shall develop processes to establish the network
14 and ensure the accountability of the network. The processes must ensure that the network:

15 (a) Gives preference to entities that have demonstrated success in improving student outcomes.

16 (b) Delivers services for the benefit of all regions of this state.

17 (c) Is accountable for improving education outcomes identified by the Oregon Education Invest-
18 ment Board, contained in achievement compacts or set forth in ORS 351.009.

19 (d) Includes and connects education providers and leaders from pre-kindergarten through post-
20 secondary education.

21 (7) No more than two percent of all moneys received for the purposes of this section may be
22 expended by the Oregon Education Investment Board or the Department of Education for adminis-
23 trative costs incurred under this section. For the purpose of this subsection, technical assistance
24 and direct program services provided to school districts and nonprofit organizations are not con-
25 sidered administrative costs.

26 (8) The State Board of Education may adopt any rules necessary for the Department of Educa-
27 tion to support the network and perform any duties assigned to the department under this section
28 or assigned to the department by the Oregon Education Investment Board. Any rules adopted by the
29 State Board of Education must be consistent with this section and with actions taken by the Oregon
30 Education Investment Board to implement this section.

31 **SECTION 64.** ORS 342.950, as amended by section 2, chapter 661, Oregon Laws 2013, is
32 amended to read:

33 342.950. (1) The Network of Quality Teaching and Learning is established. The network consists
34 of the Department of Education and public and private entities that receive funding as provided by
35 this section to accomplish the purposes of the network described in subsection (2) of this section.

36 (2) The purposes of the network are the following:

37 (a) To enhance a culture of leadership and collaborative responsibility for advancing the pro-
38 fession of teaching among providers of early learning services, teachers and administrators in
39 kindergarten through grade 12, education service districts and *[teacher education institutions]* **edu-**
40 **cator preparation providers.**

41 (b) To strengthen and enhance existing evidence-based practices that improve student achieve-
42 ment, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824,
43 329.838, 342.433 to 342.449 and 342.805 to 342.937.

44 (c) To improve recruitment, preparation, induction, career advancement opportunities and sup-
45 port of educators.

1 (3) To accomplish the purposes of the network described in subsection (2) of this section, the
 2 Department of Education, subject to the direction and control of the Superintendent of Public In-
 3 struction, shall distribute funding as follows:

4 (a) To school districts, schools, nonprofit organizations, post-secondary institutions and consor-
 5 tiums that are any combination of those entities for the purpose of supporting the implementation
 6 of common core state standards.

7 (b) To school districts and nonprofit organizations for the purposes of complying with the core
 8 teaching standards adopted as provided by ORS 342.856 and complying with related standards pre-
 9 scribed by federal law.

10 (c) To school districts and nonprofit organizations for the purpose of providing teachers with
 11 opportunities for professional collaboration and professional development and for the pursuit of ca-
 12 reer pathways in a manner that is consistent with the School District Collaboration Grant Program
 13 described in ORS 329.838.

14 (d) To school districts and nonprofit organizations for the purpose of providing beginning
 15 teachers and administrators with mentors in a manner that is consistent with the beginning teacher
 16 and administrator mentorship program described in ORS 329.788 to 329.820.

17 (e) To school districts for the purposes of obtaining assessments and developing professional
 18 development plans to meet school improvement objectives and educator needs.

19 (f) To school districts, nonprofit organizations and post-secondary institutions for the purpose
 20 of closing achievement gaps by providing and improving the effectiveness of professional develop-
 21 ment, implementing data-driven decision making, supporting practice communities and implementing
 22 culturally competent practices.

23 (g) To school districts and nonprofit organizations for the purposes of developing and engaging
 24 in proficiency-based or student-centered learning practices and assessments.

25 (h) To school districts, nonprofit organizations and post-secondary institutions for the purposes
 26 of strengthening educator preparation programs and supporting the development and sustainability
 27 of partnerships between providers of early learning services, public schools with any grades from
 28 kindergarten through grade 12 and post-secondary institutions.

29 (i) To providers of early learning services, nonprofit organizations and post-secondary insti-
 30 tutions for the purposes of providing professional development and supporting providers of early
 31 learning services with opportunities for professional collaboration and advancement.

32 (4) The Department of Education shall support the network by:

33 (a) Conducting and coordinating research to determine best practices and evidence-based mod-
 34 els.

35 (b) Working with educator preparation programs to ensure ongoing collaboration with education
 36 providers.

37 (c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as
 38 described in ORS 342.437.

39 (d) Creating and supporting a statewide plan for increasing the successful recruitment of high-
 40 ability and culturally diverse candidates to work in high-need communities and fields.

41 (e) Developing a system that ensures statewide dissemination of best practices and evidence-
 42 based models.

43 (f) Supporting the development and implementation of standards-based curriculum, high-leverage
 44 practices and assessments that promote student learning and improve outcomes for students learning
 45 English as a second language and for students with disabilities.

1 (g) Administering the distribution of funding as described in subsection (3) of this section.

2 (5) The State Board of Education shall develop processes to establish the network and ensure
3 the accountability of the network. The processes must ensure that the network:

4 (a) Gives preference to entities that have demonstrated success in improving student outcomes.

5 (b) Delivers services for the benefit of all regions of this state.

6 (c) Is accountable for improving education outcomes identified by the State Board of Education,
7 contained in achievement compacts or set forth in ORS 351.009.

8 (d) Includes and connects education providers and leaders from pre-kindergarten through post-
9 secondary education.

10 (6) No more than two percent of all moneys received for the purposes of this section may be
11 expended by the Department of Education for administrative costs incurred under this section. For
12 the purpose of this subsection, technical assistance and direct program services provided to school
13 districts and nonprofit organizations are not considered administrative costs.

14 (7) The State Board of Education may adopt any rules necessary for the Department of Educa-
15 tion to support the network and perform any duties assigned to the department under this section.
16 Any rules adopted by the State Board of Education must be consistent with this section.

17 **SECTION 65.** ORS 342.971 is amended to read:

18 342.971. (1) There is created the Educator Preparation Improvement Fund, separate and distinct
19 from the General Fund. Interest earned on moneys in the Educator Preparation Improvement Fund
20 shall be credited to the fund.

21 (2) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
22 **Board** may accept from any source any grant, donation or gift of money or other valuable thing
23 made to the [*commission*] **board** for purposes of the Educator Preparation Improvement Fund.

24 (3) Moneys credited to the Educator Preparation Improvement Fund are continuously appropri-
25 ated to the [*commission*] **board** for the purposes set forth in subsection (4) of this section. The
26 [*commission*] **board** may draw checks or orders upon the State Treasurer in making disbursements
27 from the Educator Preparation Improvement Fund for the purposes set forth in subsection (4) of this
28 section.

29 (4) The purpose of the Educator Preparation Improvement Fund is to encourage approved
30 [*teacher education*] **educator preparation** programs and school district partnerships that:

31 (a) Respond to changes in education of students in preprimary programs and grades 1 through
32 12;

33 (b) Encourage collaboration around delivery models that provide effective professional prepara-
34 tion;

35 (c) Recognize the needs of the education workforce in this state, including but not limited to
36 recruiting underrepresented persons, teachers and administrators to work in high needs areas such
37 as special education, mathematics, science and teaching English to speakers of other languages;

38 (d) Encourage collaborative initiatives that improve student success and postsecondary access
39 and achievement; and

40 (e) Respond to the need for national accreditation of approved [*teacher education*] **educator**
41 **preparation** programs in this state.

42 **SECTION 66.** ORS 351.115 is amended to read:

43 351.115. The Oregon University System shall offer a diversity of [*teacher education*] **educator**
44 **preparation** programs, inclusive of four-year and five-year options for completion of the programs.
45 Both of these options shall qualify for teacher licensing of persons completing the programs.

1 **SECTION 67.** ORS 419B.005 is amended to read:

2 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

3 (1)(a) “Abuse” means:

4 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child
5 which has been caused by other than accidental means, including any injury which appears to be
6 at variance with the explanation given of the injury.

7 (B) Any mental injury to a child, which shall include only observable and substantial impairment
8 of the child’s mental or psychological ability to function caused by cruelty to the child, with due
9 regard to the culture of the child.

10 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
11 tration and incest, as those acts are described in ORS chapter 163.

12 (D) Sexual abuse, as described in ORS chapter 163.

13 (E) Sexual exploitation, including but not limited to:

14 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
15 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage
16 in the performing for people to observe or the photographing, filming, tape recording or other ex-
17 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or
18 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-
19 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or
20 which is designed to serve educational or other legitimate purposes; and

21 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
22 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
23 described in ORS 163.413 or to patronize a prostitute as described in ORS 167.008.

24 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
25 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
26 welfare of the child.

27 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
28 to the child’s health or welfare.

29 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

30 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
31 methamphetamines are being manufactured.

32 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child
33 to a substantial risk of harm to the child’s health or safety.

34 (b) “Abuse” does not include reasonable discipline unless the discipline results in one of the
35 conditions described in paragraph (a) of this subsection.

36 (2) “Child” means an unmarried person who is under 18 years of age.

37 (3) “Higher education institution” means:

38 (a) A community college as defined in ORS 341.005;

39 (b) A public university listed in ORS 352.002;

40 (c) The Oregon Health and Science University; and

41 (d) A private institution of higher education located in Oregon.

42 (4) “Law enforcement agency” means:

43 (a) A city or municipal police department.

44 (b) A county sheriff’s office.

45 (c) The Oregon State Police.

- 1 (d) A police department established by a university under ORS 352.383 or 353.125.
- 2 (e) A county juvenile department.
- 3 (5) “Public or private official” means:
- 4 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,
- 5 including any intern or resident.
- 6 (b) Dentist.
- 7 (c) School employee, including an employee of a higher education institution.
- 8 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide
- 9 or employee of an in-home health service.
- 10 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning
- 11 Division, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a county
- 12 health department, a community mental health program, a community developmental disabilities
- 13 program, a county juvenile department, a licensed child-caring agency or an alcohol and drug
- 14 treatment program.
- 15 (f) Peace officer.
- 16 (g) Psychologist.
- 17 (h) Member of the clergy.
- 18 (i) Regulated social worker.
- 19 (j) Optometrist.
- 20 (k) Chiropractor.
- 21 (L) Certified provider of foster care, or an employee thereof.
- 22 (m) Attorney.
- 23 (n) Licensed professional counselor.
- 24 (o) Licensed marriage and family therapist.
- 25 (p) Firefighter or emergency medical services provider.
- 26 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 27 (r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.
- 28 (s) Member of the Legislative Assembly.
- 29 (t) Physical, speech or occupational therapist.
- 30 (u) Audiologist.
- 31 (v) Speech-language pathologist.
- 32 (w) Employee of the [*Teacher Standards and Practices Commission*] **Professional Educator**
- 33 **Standards Board** directly involved in investigations or discipline by the [*commission*] **board**.
- 34 (x) Pharmacist.
- 35 (y) An operator of a preschool recorded program under ORS 329A.255.
- 36 (z) An operator of a school-age recorded program under ORS 329A.257.
- 37 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 38 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 39 109.056.
- 40 (bb) Employee of a public or private organization providing child-related services or activities:
- 41 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day
- 42 camps, survival camps or groups, centers or camps that are operated under the guidance, super-
- 43 vision or auspices of religious, public or private educational systems or community service organ-
- 44 izations; and
- 45 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide

1 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-
 2 ficking.

3 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
 4 if compensated and if the athlete is a child.

5 **SECTION 68.** ORS 419B.035, as amended by section 43, chapter 45, Oregon Laws 2014, is
 6 amended to read:

7 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and
 8 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records
 9 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
 10 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
 11 ment of Human Services shall make the records available to:

12 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of
 13 subsequent investigation of child abuse;

14 (b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-
 15 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant
 16 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse
 17 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-
 18 tion, care or treatment;

19 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-
 20 ceeding;

21 (d) Citizen review boards established by the Judicial Department for the purpose of periodically
 22 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile
 23 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to
 24 participants in case reviews;

25 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged
 26 that a child has been subjected to child abuse or neglect;

27 (f) The Office of Child Care for certifying, registering or otherwise regulating child care facili-
 28 ties;

29 (g) The Office of Children's Advocate;

30 (h) The [*Teacher Standards and Practices Commission*] **Professional Educator Standards**
 31 **Board** for investigations conducted under ORS 342.176 involving any child or any student in grade
 32 12 or below;

33 (i) Any person, upon request to the Department of Human Services, if the reports or records
 34 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-
 35 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be
 36 disclosed in accordance with ORS 192.410 to 192.505; and

37 (j) The Office of Child Care for purposes of ORS 329A.030 (8)(g).

38 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-
 39 partment of Human Services may exempt from disclosure the names, addresses and other identifying
 40 information about other children, witnesses, victims or other persons named in the report or record
 41 if the department determines, in written findings, that the safety or well-being of a person named in
 42 the report or record may be jeopardized by disclosure of the names, addresses or other identifying
 43 information, and if that concern outweighs the public's interest in the disclosure of that information.

44 (b) If the Department of Human Services does not have a report or record of abuse regarding
 45 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS

1 161.015, the department may disclose that information.

2 (3) The Department of Human Services may make reports and records compiled under the pro-
3 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,
4 agency, organization or other entity when the department determines that such disclosure is neces-
5 sary to administer its child welfare services and is in the best interests of the affected child, or that
6 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect
7 children from abuse and neglect or for research when the Director of Human Services gives prior
8 written approval. The Department of Human Services shall adopt rules setting forth the procedures
9 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this
10 section. The name, address and other identifying information about the person who made the report
11 may not be disclosed pursuant to this subsection and subsection (1) of this section.

12 (4) A law enforcement agency may make reports and records compiled under the provisions of
13 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-
14 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement
15 agency determines that disclosure is necessary for the investigation or enforcement of laws relating
16 to child abuse and neglect.

17 (5) A law enforcement agency, upon completing an investigation and closing the file in a specific
18 case relating to child abuse or neglect, shall make reports and records in the case available upon
19 request to any law enforcement agency or community corrections agency in this state, to the De-
20 partment of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose
21 of managing and supervising offenders in custody or on probation, parole, post-prison supervision
22 or other form of conditional or supervised release. A law enforcement agency may make reports and
23 records compiled under the provisions of ORS 419B.010 to 419B.050 available to law enforcement,
24 community corrections, corrections or parole agencies in an open case when the law enforcement
25 agency determines that the disclosure will not interfere with an ongoing investigation in the case.
26 The name, address and other identifying information about the person who made the report may not
27 be disclosed under this subsection or subsection (6)(b) of this section.

28 (6)(a) Any record made available to a law enforcement agency or community corrections agency
29 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-
30 vision or to a physician, physician assistant or nurse practitioner in this state, as authorized by
31 subsections (1) to (5) of this section, shall be kept confidential by the agency, department, board,
32 physician, physician or nurse practitioner. Any record or report disclosed by the Department of
33 Human Services to other persons or entities pursuant to subsections (1) and (3) of this section shall
34 be kept confidential.

35 (b) Notwithstanding paragraph (a) of this subsection:

36 (A) A law enforcement agency, a community corrections agency, the Department of Corrections
37 and the State Board of Parole and Post-Prison Supervision may disclose records made available to
38 them under subsection (5) of this section to each other, to law enforcement, community corrections,
39 corrections and parole agencies of other states and to authorized treatment providers for the pur-
40 pose of managing and supervising offenders in custody or on probation, parole, post-prison super-
41 vision or other form of conditional or supervised release.

42 (B) A person may disclose records made available to the person under subsection (1)(i) of this
43 section if the records are disclosed for the purpose of advancing the public interest.

44 (7) An officer or employee of the Department of Human Services or of a law enforcement agency
45 or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section

1 may not release any information not authorized by subsections (1) to (6) of this section.

2 (8) As used in this section, “law enforcement agency” has the meaning given that term in ORS
3 181.010.

4 (9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

5 **SECTION 69.** ORS 675.520 is amended to read:

6 675.520. (1) A person may not use any title, words or abbreviations, including the title “social
7 worker,” that indicate that the person has an authorization to practice regulated social work unless
8 the person is a regulated social worker.

9 (2) Subsection (1) of this section does not prohibit:

10 (a) The use of the educational designations “Bachelor of Social Work” or “Master’s of Social
11 Work” by a person who is not a regulated social worker; or

12 (b) The use of the title “school social worker” by a person who:

13 (A) Is not a regulated social worker;

14 (B) Holds a master’s degree in social work from an accredited college or university; and

15 (C) Is licensed as a school social worker by the [*Teacher Standards and Practices Commission*]

16 **Professional Educator Standards Board.**

17 **SECTION 70.** ORS 681.230 is amended to read:

18 681.230. (1) Without obtaining a license under this chapter, a person may use any procedure
19 included in the practice of speech-language pathology or audiology if the procedure is within the
20 scope of practice of the person and the person is:

21 (a) Licensed by a health professional regulatory board as defined in ORS 676.160;

22 (b) Performing basic audiometric testing under the supervision of a physician licensed under
23 ORS chapter 677 and representing that the person is a medical assistant or audiology assistant;

24 (c) A teacher licensed by the [*Teacher Standards and Practices Commission*] **Professional Edu-
25 cator Standards Board** and holding a hearing impaired endorsement; or

26 (d) A student participating in supervised field work or supervised course work in speech-
27 language pathology or audiology as part of a college or university program approved by the State
28 Board of Examiners for Speech-Language Pathology and Audiology or an undergraduate course in
29 speech-language pathology approved by the board.

30 (2) A person practicing speech-language pathology or audiology without a license under sub-
31 section (1) of this section may not represent or imply that the person is a speech-language
32 pathologist, speech-language pathology assistant or audiologist.

33 (3) A person practicing speech-language pathology or audiology without a license under sub-
34 section (1)(d) of this section:

35 (a) Must use a title that indicates that the person is a student trainee.

36 (b) May not be paid for speech-language pathology or audiology services provided by the person,
37 except that the person may be provided a reasonable educational stipend.

38 (4) Without obtaining a license under this chapter, a teacher licensed by the [*Teacher Standards
39 and Practices Commission*] **Professional Educator Standards Board** and holding a communications
40 disorders or speech impaired endorsement issued by the [*commission*] **board** may practice speech-
41 language pathology if the person:

42 (a) Practices speech-language pathology solely in the course and scope of the person’s duties as
43 an employee of an education service district, a school district or a charter school; and

44 (b) Complies with ORS 681.360 to 681.375 and rules adopted under ORS 681.360 to 681.375 when
45 supervising speech-language pathology assistants.

1 (5) Without obtaining a license under this chapter, a person may:

2 (a) Consult with or disseminate the person's research findings and scientific information to ac-
3 credited academic institutions or governmental agencies; and

4 (b) Offer lectures to the public for a fee, monetary or otherwise.

5 **SECTION 71.** ORS 681.360 is amended to read:

6 681.360. (1) A person may not perform the duties of a speech-language pathology assistant or
7 use the title speech-language pathology assistant without a certificate to do so issued under this
8 section.

9 (2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a
10 person shall:

11 (a) Submit an application in the form prescribed by the State Board of Examiners for Speech-
12 Language Pathology and Audiology;

13 (b) Pay the certificate fee established by the board;

14 (c) Demonstrate that the person meets the qualifications for certification established by the
15 board; and

16 (d) Comply with all other requirements for certification established by the board.

17 (3) A certificate issued under this section expires every two years. To renew a certificate to
18 perform the duties of a speech-language pathology assistant, a person shall:

19 (a) Submit the renewal application in the form prescribed by the board;

20 (b) Pay the renewal fee established by the board; and

21 (c) Comply with all other requirements for certificate renewal established by the board, includ-
22 ing but not limited to submission of evidence of participation in professional development activities.

23 (4) A person may not employ or otherwise use the services of a speech-language pathology as-
24 sistant unless the speech-language pathology assistant is certified under this section.

25 (5) The board may establish by rule qualifications and conditions under which a person not li-
26 censed under this chapter who holds a *[basic or standard]* **preliminary teaching license or pro-**
27 **fessional** teaching license in speech impaired or *[an initial or]* **a preliminary teaching license,**
28 professional teaching license or **distinguished** teacher leader license in communication disorders
29 issued by the *[Teacher Standards and Practices Commission]* **Professional Educator Standards**
30 **Board** may supervise a speech-language pathology assistant working in a school.

31 (6) The **State Board of Examiners for Speech-Language Pathology and Audiology** may re-
32 fuse to issue a certificate, or may suspend or revoke the certificate, of any certified speech-language
33 pathology assistant pursuant to the provisions of ORS 681.350.

34 **SECTION 72.** ORS 342.135 and 342.140 are repealed.

35 **SECTION 73.** This 2015 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
37 July 1, 2015.

38