

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2412

By COMMITTEE ON EDUCATION

May 15

1 On page 8 of the printed A-engrossed bill, delete lines 21 through 45 and delete pages 9 and
2 10.

3 On page 11, delete lines 1 through 5 and insert:

4 “**SECTION 10.** ORS 342.173 is amended to read:

5 “342.173. [(1)] Any school district **or education service district** that employs any person not
6 properly licensed **or registered** by the Teacher Standards and Practices Commission [*and*], **or li-**
7 **censed by the commission but not** assigned in accordance with [*the terms specified by the person’s*
8 *license shall forfeit in State School Fund moneys due the district an amount determined by the Teacher*
9 *Standards and Practices Commission not to exceed the amount of the salary paid to the person for the*
10 *time during which the person is employed. The forfeiture*] **rules of the commission, shall be subject**
11 **to sanctions imposed by the commission. A sanction must be imposed according to rules**
12 **adopted by the commission and** is effective unless:

13 “[*(a)*] (1) The [*assignments are*] **assignment is** made with justification satisfactory to the
14 [*Teacher Standards and Practices*] commission.

15 “[*(b)*] (2) The [*teacher*] **person is employed as a teacher** by a post-secondary institution that is
16 accredited by the Northwest Commission on Colleges and Universities, or its successor, and that
17 has a contract with a school district under which the [*teacher*] **person** is teaching at the high school
18 level. The contract shall be approved [*annually*] by the [*State Board of Education under rules adopted*
19 *by the board*] **Teacher Standards and Practices Commission**, including criteria for a [*teacher’s*]
20 **person’s** qualifications under [*subparagraph (C) of this*] paragraph (b) of this subsection. The
21 contract shall:

22 “[*(A)*] (a) Be for a specific instructional assignment for which the district does not have appro-
23 priately licensed personnel either on staff or available to be placed on staff after a reasonably dili-
24 gent search;

25 “[*(B)*] Be approved annually by the governing boards of the post-secondary institution and the
26 school district including a written determination that appropriately licensed personnel have not become
27 available since the previous contract for the assignment;]

28 “[*(C)*] (b) Provide evidence that the [*teacher’s*] **person’s** qualifications are appropriate for the
29 assignment;

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

32 “[*(E)*] (d) Not be valid during a school closure, strike or summer session.

33 “[*(c)*] (3) The person is teaching [*a live, interactive distance learning course*] **an online course**
34 originating outside [*the*] **this** state.

35 “[*(2)*] A school district shall be required under subsection (1) of this section to forfeit not more than

1 \$1,000 of State School Fund moneys due the district if the license has lapsed during the time of em-
2 ployment with the district and the holder had at the time the license expired all the qualifications
3 necessary to renew the license.]

4 “[3] Notwithstanding subsections (1) and (2) of this section, a school district employing unlicensed
5 staff members in positions requiring licensed personnel during the time of a labor dispute shall forfeit
6 in State School Fund moneys an amount equal to the daily salary rate multiplied by the number of
7 teaching days for each unlicensed teaching employee during the entire labor dispute.]

8 “[4] If the State Board of Education finds a contract to be in violation of the provisions of sub-
9 section (1)(b) of this section, the board shall report the violation to the Teacher Standards and Practices
10 Commission, which shall proceed as provided in subsection (1) of this section.]

11 “[5] Any education service district that employs any person not properly licensed by the Teacher
12 Standards and Practices Commission and assigned in accordance with the terms specified in the
13 person’s license shall pay from its funds an amount determined by the Teacher Standards and Prac-
14 tices Commission not to exceed the amount of salary paid to the person for the time during which the
15 person was employed. The payment shall be required unless the assignment is made with justification
16 satisfactory to the commission. All amounts received under this subsection shall be credited to the State
17 School Fund.]

18 “[6] An education service district shall be required under subsection (5) of this section to pay a
19 penalty of not more than \$1,000 if the license has lapsed during the time of employment with the district
20 and the holder had at the time the license expired all the qualifications necessary to renew the
21 license.]

22 “[7] Subject to any applicable collective bargaining agreement, an education service district re-
23 quired to pay any penalty under subsection (6) of this section is entitled to recover one-half of the
24 amounts paid from the licensed personnel whose unlicensed status caused the payment. Recovery may
25 not exceed one-half of the amount paid that is attributable to the licensed person.]

26 “[8] The Teacher Standards and Practices Commission shall notify districts of the licensing expi-
27 ration dates of their employees who are reported to the commission. The reporting shall be done in a
28 manner specified by the commission.]

29 “[9] Subject to any applicable collective bargaining agreement, a district required to forfeit any
30 State School Fund moneys under subsection (2) of this section is entitled to recover one-half of the
31 amounts forfeited from the licensed personnel whose unlicensed status caused the forfeiture. Recovery
32 may not exceed one-half of the amount forfeited that is attributable to the particular licensed person.]

33 “[10] A school district or education service district that assigns a teacher to be present in the
34 classroom during a live, interactive distance learning presentation may not be subject to the forfeiture
35 described in subsection (1) of this section solely because the assignment does not conform to the terms
36 specified on the license of the teacher.]

37 “**SECTION 11.** ORS 342.175 is amended to read:

38 “342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the li-
39 cense or registration of a teacher or administrator, discipline a teacher or administrator, or suspend
40 or revoke the right of any person to apply for a license or registration, if the licensee, registrant
41 or applicant has held a license or registration at any time within five years prior to issuance of the
42 notice of charges under ORS 342.176 based on the following:

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

44 “(b) Gross neglect of duty;

45 “(c) Any gross unfitness;

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

3 “(e) Any false statement knowingly made in an application for issuance, renewal or rein-
4 statement of a license or registration; or

5 “(f) Failure to comply with any condition of reinstatement under subsection (4) of this section
6 or any condition of probation under ORS 342.177 (3)(b).

7 “(2) If a person is enrolled in an approved [*teacher education institution or program*] **educator**
8 **preparation program** under ORS 342.147, the commission may issue a public reprimand or suspend
9 or revoke the right to apply for a license or registration based on the following:

10 “(a) Conviction of a crime listed in ORS 342.143 (3) or a crime described by the commission by
11 rule;

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

14 “(c) Any conduct that may cause the commission to **issue a public reprimand for a teacher**
15 **or to** suspend or revoke the license or registration of a teacher.

16 “(3) The commission shall revoke any license or registration and shall revoke the right of any
17 person to apply for a license or registration if the person [*has held a license or registration at any*
18 *time and the holder or applicant*] has been convicted of any crime [*described*] **listed** in ORS 342.143
19 (3).

20 “(4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (5)
21 of this section, any person whose license or registration has been [*suspended or*] revoked, or whose
22 [*privilege*] **right** to apply for a license or registration has been revoked, may apply to the commis-
23 sion for reinstatement of the license or registration after one year from the date of the [*suspension*
24 *or*] revocation.

25 “(b) **Any person whose license or registration has been suspended, or whose right to ap-**
26 **ply for a license or registration has been suspended, may apply to the commission for rein-**
27 **statement of the license or registration.**

28 “(c) The commission may require an applicant for reinstatement to furnish evidence satisfactory
29 to the commission of good moral character, mental and physical health and such other evidence as
30 the commission may consider necessary to establish the applicant’s fitness. The commission may
31 impose a probationary period and such conditions as [*it*] **the commission** considers necessary upon
32 approving an application for reinstatement.

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

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

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

41 On page 13, line 8, delete “shall” and insert “may”.

42 In line 10, delete “approved by” and insert “that is acceptable to”.

43 On page 16, line 6, after “provider” insert “within a private college or university”.

44 In line 7, after “of” insert “an approved educator preparation provider within”.

45 On page 35, after line 32, insert:

1 **“SECTION 55. (1) Any reference in Oregon statutory law to ‘teacher education**
2 **institution’ shall be considered a reference to ‘educator preparation provider.’**

3 **“(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
4 **may substitute for words designating ‘teacher education institution,’ wherever they occur in**
5 **statutory law, other words designating ‘educator preparation provider.’**

6 **“SECTION 56. (1) Any reference in Oregon statutory law to ‘teacher education program’**
7 **shall be considered a reference to ‘educator preparation program.’**

8 **“(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
9 **may substitute for words designating ‘teacher education program,’ wherever they occur in**
10 **statutory law, other words designating ‘educator preparation program.’”.**

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