

# House Bill 2774

Sponsored by Representative PARRISH (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows person without administrative license to be superintendent, or assistant superintendent, of public school, public charter school or virtual public charter school. Requires superintendent or assistant superintendent who does not have administrative license to complete, within one year of being hired, program conducted by professional organization of school administrators.

## A BILL FOR AN ACT

1  
2 Relating to qualifications of school personnel; amending ORS 329.007, 329.788, 332.505, 332.544,  
3 332.554, 338.120, 338.135, 342.121 and 342.202.

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

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

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

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

15 (b) In addition to holding an administrative license as a superintendent, a person who is a su-  
16 perintendent of an education service district shall obtain certification, indicating a higher degree  
17 of competency, knowledge and skill based on work experience and advanced study, from the com-  
18 mission. The certificate shall be designed to ensure that the superintendent has knowledge of theo-  
19 ries related to change, strategic planning and financial planning and is capable of formulating  
20 interorganizational cooperation and developing partnerships. The certificate described in this para-  
21 graph is required for a person to be a superintendent of an education service district of this state.

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

23 332.505. (1) A district school board may:

24 (a) Employ a superintendent of schools and necessary assistant superintendents for the  
25 district, [*and*] fix the terms and conditions of employment and the compensation[.], **and establish**  
26 **the qualifications for employment. For purposes of this paragraph:**

27 (A) The district school board [*shall*] **may** not contract with a superintendent for more than a  
28 period of three years at a time. The contract shall automatically expire at the end of its term[.  
29 *However*], **but** the district school board may elect to issue a subsequent contract for an additional  
30 three years at any time.

**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       **(B) As a condition of employment, the district school board shall require each super-**  
 2 **intendent or assistant superintendent who does not hold an administrative license to com-**  
 3 **plete a program conducted by a professional organization of school administrators. The**  
 4 **program must be completed within one year of the hiring of the superintendent or assistant**  
 5 **superintendent as a superintendent or assistant superintendent.**

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

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

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

13       (2) The district school board shall maintain written personnel policies and make the policies  
 14 available for inspection by any school employee or member of the public.

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

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

18       329.007. As used in this chapter, unless the context requires otherwise:

19       (1) “Academic content standards” means expectations of student knowledge and skills adopted  
 20 by the State Board of Education under ORS 329.045.

21       (2) “Administrator” includes all persons whose duties require an administrative license **or who**  
 22 **are employed as a superintendent or assistant superintendent of a school district.**

23       (3) “Board” or “state board” means the State Board of Education.

24       (4) “Community learning center” means a school-based or school-linked program providing in-  
 25 formal meeting places and coordination for community activities, adult education, child care, infor-  
 26 mation and referral and other services as described in ORS 329.157. “Community learning center”  
 27 includes, but is not limited to, a community school program as defined in ORS 336.505, family re-  
 28 source centers as described in ORS 417.725, full service schools, lighted schools and 21st century  
 29 community learning centers.

30       (5) “Department” means the Department of Education.

31       (6) “English” includes, but is not limited to, reading and writing.

32       (7) “History, geography, economics and civics” includes, but is not limited to, Oregon Studies.

33       (8) “Oregon Studies” means history, geography, economics and civics specific to the State of  
 34 Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal  
 35 and state government, as well as the electoral and legislative processes.

36       (9) “Parents” means parents or guardians of students who are covered by this chapter.

37       (10) “Public charter school” has the meaning given that term in ORS 338.005.

38       (11) “School district” means a school district as defined in ORS 332.002, a state-operated school  
 39 or any legally constituted combination of such entities.

40       (12)(a) “Teacher” means any licensed employee of a school district who has direct responsibility  
 41 for instruction, coordination of educational programs or supervision of students and who is com-  
 42 pensated for such services from public funds.

43       **(b) “Teacher” does not include:**

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

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

1 (C) A person employed as a superintendent or assistant superintendent of a school dis-  
2 trict.

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

4 (14) "World languages" means American Sign Language and languages other than English.

5 (15) "21st Century Schools Council" means a council established pursuant to ORS 329.704.

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

7 329.788. As used in ORS 329.788 to 329.820:

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

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

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

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

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

14 (a) Possesses a teaching license issued by the Teacher Standards and Practices Commission;

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

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

18 (3) "Mentor" means an individual who:

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

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

22 (c) Possesses a teaching or administrative license issued by the Teacher Standards and Practices  
23 Commission **or otherwise meets the qualifications established under ORS 332.505 (1)(a);**

24 (d) Has successfully served for five or more years as a **superintendent or as a** licensed  
25 teacher[,] **or principal [or superintendent]** in any public school; and

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

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

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

34 332.544. (1) As used in this section, "classified school employee" includes all employees of a  
35 public school district except:

36 (a) Those for whom a teaching or administrative license is required as a basis for employment  
37 in a public school district[.]; **and**

38 (b) **Those who meet the qualifications established under ORS 332.505 (1)(a) and who are**  
39 **employed as a superintendent or assistant superintendent of a public school district.**

40 (2) A classified school employee who has been demoted or dismissed shall be entitled to a  
41 hearing before the school board if a written request is filed with the board within 15 days of the  
42 dismissal or demotion.

43 (3) School district employees subject to the civil service provisions of ORS chapter 242 are ex-  
44 empt from the provisions of this section.

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

1 332.554. (1) Each school district shall give an individual, written notice of reasonable assurance  
 2 of continued employment to all classified school employees who are to perform services in the same  
 3 or a similar capacity during a subsequent academic year or term or in the period immediately fol-  
 4 lowing a recess period. Such notice shall be given by May 30 of each year for employees employed  
 5 as of that date and as of the date of hire for employees employed subsequent to May 30.

6 (2) No liability shall accrue from failure to give the notice required by subsection (1) of this  
 7 section or from the timing or contents thereof on the part of the school district. However, the State  
 8 Board of Education shall enforce the provisions of subsection (1) of this section.

9 (3) As used in this section, "classified school employee" includes all employees of a public school  
 10 district except:

11 (a) Those for whom a teaching or administrative license is required as a basis for employment  
 12 in a public school district[.]; **and**

13 **(b) Those who meet the qualifications established under ORS 332.505 (1)(a) and who are**  
 14 **employed as a superintendent or assistant superintendent of a public school district.**

15 **SECTION 7.** ORS 338.120 is amended to read:

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

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

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

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

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

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

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

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

30 (f) [*Notwithstanding ORS 338.135 (7),*] A plan to ensure that:

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

33 (B) **Notwithstanding ORS 338.135 (7)(b),** teachers who are licensed to teach by the Teacher  
 34 Standards and Practices Commission and who are highly qualified as described in the federal No  
 35 Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425) teach at least 95 percent of the school's  
 36 instructional hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (2) For a virtual public charter school:

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

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

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

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

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

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

45 (a) No employee or member of the governing board of the third-party entity may attend an

1 executive session of the school district board of the school district that is the sponsor of the virtual  
 2 public charter school;

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

5 (c) The educational services provided by the third-party entity must be consistent with state  
 6 standards and requirements, and must be changed on the same timelines that changes are imposed  
 7 on the nonvirtual public charter schools of this state; and

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

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

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

14 (4)(a) The sponsor or a member of the public may request access to any of the documents de-  
 15 scribed in subsections (1) and (3)(d) of this section that are public records, as provided by ORS  
 16 192.410 to 192.505.

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

21 **SECTION 8.** ORS 338.135 is amended to read:

22 338.135. (1) Employee assignment to a public charter school shall be voluntary.

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

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

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

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

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

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

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

43 (3) The school district board of the school district within which the public charter school is lo-  
 44 cated shall grant a leave of absence to any employee who chooses to work in the public charter  
 45 school. The length and terms of the leave of absence shall be set by negotiated agreement or by

1 board policy. However, the length of the leave of absence may not be less than two years unless:

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

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

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

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

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

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

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

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

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

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

33 **SECTION 9.** ORS 338.135, as amended by section 7, chapter 327, Oregon Laws 2013, is amended  
34 to read:

35 338.135. (1) Employee assignment to a public charter school shall be voluntary.

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

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

45 (3) The school district board of the school district within which the public charter school is lo-

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

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

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

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

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

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

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

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

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

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

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

35 **SECTION 10.** ORS 342.202 is amended to read:

36 342.202. (1) The Department of Education, in partnership with the Teacher Standards and Prac-  
 37 tices Commission, shall create a comprehensive leadership development system for administrators  
 38 **who are** licensed under ORS 342.125 **or who meet the qualifications established under ORS**  
 39 **332.505 (1)(a).**

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

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

43 (A) Improve the success of this state's highest needs students;

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



- 1 (C) Recruit underrepresented persons into the field of public school leadership; and  
2 (D) Strengthen the capacity of administrators to improve education in public schools in this  
3 state;
- 4 (b) A plan for collaboration and continuous improvement among administrator preparation pro-  
5 grams approved by the Teacher Standards and Practices Commission to support performance-based  
6 assessments for administrators and candidates for administrative licensure;
- 7 (c) A plan for recruitment of underrepresented persons into administrator leadership programs;
- 8 (d) The improvement of access to high quality preparation and professional development for ad-  
9 ministrators working in rural school districts;
- 10 (e) A method for disseminating evidence-based practices to support the development of effective  
11 principals and teachers; and
- 12 (f) A method for providing research and technical assistance to school districts to encourage the  
13 placement of the most highly effective teachers in the highest need schools.  
14
-