

**PROPOSED AMENDMENTS TO
SENATE BILL 698**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 329.007, 336.201, 339.374, 342.120, 342.183,
3 342.223 and 342.227; repealing ORS 342.455, 342.465, 342.475, 342.485 and
4 342.495.”.

5 On page 3, after line 16, insert:

6 **“SECTION 4.** ORS 329.007 is amended to read:

7 “329.007. As used in this chapter, unless the context requires otherwise:

8 “(1) ‘Academic content standards’ means expectations of student knowl-
9 edge and skills adopted by the State Board of Education under ORS 329.045.

10 “(2) ‘Administrator’ includes all persons whose duties require an admin-
11 istrative license.

12 “(3) ‘Board’ or ‘state board’ means the State Board of Education.

13 “(4) ‘Community learning center’ means a school-based or school-linked
14 program providing informal meeting places and coordination for community
15 activities, adult education, child care, information and referral and other
16 services as described in ORS 329.157. ‘Community learning center’ includes,
17 but is not limited to, a community school program as defined in ORS 336.505,
18 family resource centers as described in ORS 417.725, full service schools,
19 lighted schools and 21st century community learning centers.

20 “(5) ‘Department’ means the Department of Education.

21 “(6) ‘English’ includes, but is not limited to, reading and writing.

22 “(7) ‘History, geography, economics and civics’ includes, but is not limited

1 to, Oregon Studies.

2 “(8) ‘Oregon Studies’ means history, geography, economics and civics
3 specific to the State of Oregon. Oregon Studies instruction in Oregon gov-
4 ernment shall include municipal, county, tribal and state government, as well
5 as the electoral and legislative processes.

6 “(9) ‘Parents’ means parents or guardians of students who are covered by
7 this chapter.

8 “(10) ‘Public charter school’ has the meaning given that term in ORS
9 338.005.

10 “(11) ‘School district’ means a school district as defined in ORS 332.002,
11 a state-operated school or any legally constituted combination of such enti-
12 ties.

13 “(12) ‘Teacher’ means any licensed employee of a school district who has
14 direct responsibility for instruction, coordination of educational programs
15 or supervision of students and who is compensated for such services from
16 public funds. ‘Teacher’ does not include a school nurse[, *as defined in ORS*
17 *342.455,*] or a person whose duties require an administrative license.

18 “(13) ‘The arts’ includes, but is not limited to, literary arts, performing
19 arts and visual arts.

20 “(14) ‘World languages’ means American Sign Language and languages
21 other than English.

22 “(15) ‘21st Century Schools Council’ means a council established pursuant
23 to ORS 329.704.

24 **“SECTION 5.** ORS 336.201 is amended to read:

25 “336.201. (1) As used in this section:

26 “(a) ‘Licensed practical nurse’ means an individual who is licensed as a
27 licensed practical nurse under ORS 678.010 to 678.410.

28 “(b) ‘Medically complex students’ means students who may have an un-
29 stable health condition and who may require daily professional nursing ser-
30 vices.

1 “(c) ‘Medically fragile students’ means students who may have a life-
2 threatening health condition and who may require immediate professional
3 nursing services.

4 “(d) ‘Nursing-dependent students’ means students who may have an un-
5 stable or life-threatening health condition and who may require daily, direct
6 and continuous professional nursing services.

7 “(e) ‘Registered nurse’ means an individual who is licensed as a registered
8 nurse under ORS 678.010 to 678.410.

9 “(f) ‘School nurse’ [*has the meaning given that term in ORS 342.455*]
10 **means a registered nurse who is qualified to conduct and coordinate**
11 **the health services programs of a school.**

12 “(2) Each school district shall ensure that the district has access to a
13 sufficient level of nursing services to provide:

14 “(a) One registered nurse or school nurse for every 225 medically complex
15 students.

16 “(b) One registered nurse or school nurse for every 125 medically fragile
17 students.

18 “(c) One registered nurse or school nurse, or one licensed practical nurse
19 under the supervision of a registered nurse or school nurse, for each
20 nursing-dependent student.

21 “(3) In addition to the requirements of subsection (2) of this section, each
22 school district is encouraged to have one registered nurse or school nurse
23 for every 750 students in the school district.

24 “(4)(a) A school district may satisfy the requirements of subsection (2) of
25 this section by using the most cost-effective means available.

26 “(b) A school district may satisfy the requirements described in subsection
27 (2)(a) of this section and the recommendations described in subsection (3) of
28 this section by:

29 “(A) Providing personnel trained and supervised by a registered nurse or
30 school nurse; and

1 “(B) Complying with the requirements of ORS 678.010 to 678.445.

2 “(5)(a) A registered nurse or school nurse is responsible for coordinating
3 the school nursing services provided to an individual student. The registered
4 nurse or school nurse shall work in partnership with the student’s parent
5 or guardian, health care provider and appropriate school staff to the extent
6 allowed by law.

7 “(b) Decisions related to when or where a student receives school nursing
8 services must jointly be made by the registered nurse or school nurse, the
9 parent or guardian of the student and any appropriate school staff. This
10 paragraph does not apply to students who have an individualized education
11 program and for whom special education and related services are determined
12 by an individualized education program team.

13 “(6) The Department of Education shall submit to the State Board of Ed-
14 ucation and the interim legislative committees related to education an an-
15 nual report no later than October 1 of each year that is based on the
16 previous school year and that provides information on:

17 “(a) The availability of licensed practical nurses, registered nurses and
18 school nurses in each school district; and

19 “(b) The number of medically complex students, medically fragile students
20 and nursing-dependent students in each school district.

21 **“SECTION 6.** ORS 339.374 is amended to read:

22 “339.374. Except as provided in ORS 339.384, before an education provider
23 may hire an applicant for a position with the education provider, the edu-
24 cation provider shall:

25 “(1) Require the applicant to provide:

26 “(a) A list of the applicant’s current and former employers who are edu-
27 cation providers.

28 “(b) A written authorization that authorizes the applicant’s current and
29 former employers that are education providers to disclose the information
30 requested under subsection (2) of this section.

1 “(c) A written statement of whether the applicant:
2 “(A) Has been the subject of a substantiated report of abuse or sexual
3 conduct; or
4 “(B) Is the subject of an ongoing investigation related to a report of
5 suspected abuse or sexual conduct.
6 “(2) Conduct a review of the employment history of the applicant by
7 contacting the three most recent employers of the applicant who are educa-
8 tion providers and requesting:
9 “(a) The following information:
10 “(A) The dates of employment of the applicant by the education provider;
11 “(B) Whether the applicant was the subject of any substantiated reports
12 of abuse or sexual conduct related to the applicant’s employment with the
13 education provider;
14 “(C) The dates of any substantiated reports;
15 “(D) The definitions of abuse and sexual conduct used by the education
16 provider when the education provider determined that any reports were
17 substantiated; and
18 “(E) The standards used by the education provider to determine whether
19 any reports were substantiated.
20 “(b) Any disciplinary records required to be released as provided by ORS
21 339.388 (8).
22 “(3) For an applicant who is licensed[,] **or** registered [*or certified*] with
23 the Teacher Standards and Practices Commission, access online information
24 provided by the commission to verify:
25 “(a) That the applicant is licensed[,] **or** registered [*or certified*] by the
26 commission; and
27 “(b) Whether the commission has provided any information relating to
28 conduct by the applicant that may constitute abuse or sexual conduct.
29 “(4) Conduct a nationwide criminal records check if required by ORS
30 326.603.

1 **“SECTION 7.** ORS 342.120 is amended to read:

2 “342.120. As used in this chapter, unless the context requires otherwise:

3 “(1) ‘Administrator’ includes but is not limited to all superintendents,
4 assistant superintendents and principals in the public schools or education
5 service districts.

6 “(2) ‘Approved teacher education institution’ is one which meets the
7 standards of the Teacher Standards and Practices Commission for prepara-
8 tion of teachers for preprimary programs and grades 1 through 12.

9 “(3) ‘Approved teacher education program’ is one offered by an approved
10 teacher education institution and is so recognized by the Teacher Standards
11 and Practices Commission, after considering recommendations of the State
12 Board of Education.

13 “(4) ‘Commission’ means the Teacher Standards and Practices Commis-
14 sion.

15 “(5) ‘Educational assistant’ means a classified school employee who does
16 not require a license to teach, who is employed by a school district or edu-
17 cation service district and whose assignment consists of and is limited to
18 assisting a licensed teacher in accordance with rules established by the State
19 Board of Education.

20 “(6) ‘Instruction’ includes direction of learning in class, in small groups,
21 in individual situations, in the library and in guidance and counseling, but
22 does not include the provision of related services, as defined in ORS 343.035,
23 to a child identified as a child with a disability pursuant to ORS 343.146 to
24 343.183 when provided in accordance with ORS 343.221.

25 “(7) ‘Intern teacher’ means a regularly enrolled student of an approved
26 teacher education institution who teaches under the supervision of the staff
27 of the institution and of the employing school district in order to acquire
28 practical experience in teaching and for which the student receives both ac-
29 ademic credit from the institution and financial compensation from the
30 school district or education service district.

1 “(8) ‘State board’ means the State Board of Education.

2 “(9) ‘Teacher’ includes all licensed employees in the public schools or
3 employed by an education service district who have direct responsibility for
4 instruction, coordination of educational programs or supervision or evalu-
5 ation of teachers and who are compensated for their services from public
6 funds. [*Teacher’ does not include a school nurse as defined in ORS 342.455.*]

7 “(10) ‘Teaching license’ means a license issued under ORS 342.125 or
8 342.144.

9 “(11) ‘Underrepresented person’ means:

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

12 “(b) A person of Hispanic culture or origin;

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

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

17 **“SECTION 8.** ORS 342.183 is amended to read:

18 “342.183. (1) The Teacher Standards and Practices Commission may issue
19 a letter of informal reproof to a person licensed[,] **or** registered [*or*
20 *certified*] by the commission if:

21 “(a) Following the completion of an investigation, the commission deter-
22 mines that the person has engaged in conduct that affects the person’s ability
23 to be professionally effective, based on standards adopted by the commission
24 by rule; and

25 “(b) Subject to subsection (5) of this section, the commission agrees not
26 to pursue disciplinary action against the person under ORS 342.175 and the
27 person agrees to the terms of the letter of informal reproof, including a
28 monitoring period.

29 “(2) A letter of informal reproof issued as provided by subsection (1) of
30 this section shall establish the terms of a monitoring period for the person

1 to whom the letter is issued.

2 “(3) Upon the issuance of a letter of informal reproof, the commission
3 shall notify the employer of the person to whom the letter is issued, includ-
4 ing any terms of the letter that the employer may need to know to assist the
5 person in complying with the terms of the letter.

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

8 “(a) Is confidential; and

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

12 “(5) If a person fails to comply with the terms of a letter of informal re-
13 proof, the commission may take disciplinary action against the person based
14 on one or both of the following:

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

16 “(b) The failure to comply with the terms of the letter of informal re-
17 proof.

18 “(6) If the executive director of the commission determines that a person
19 failed to meet the terms of a letter of informal reproof, the executive di-
20 rector shall report the failure to the commission for the commission to make
21 a final determination pursuant to ORS 342.176.

22 “(7) The documents and materials used in an investigation for the pur-
23 poses of this section are confidential and are not subject to public inspection
24 unless the commission makes a final determination to discipline the person
25 pursuant to ORS 342.175.

26 **“SECTION 9.** ORS 342.223 is amended to read:

27 “342.223. (1) For the purpose of requesting a state or nationwide criminal
28 records check under ORS 181.534, the Teacher Standards and Practices
29 Commission may require the fingerprints of:

30 “(a) A person who is applying for initial issuance of a license under ORS

1 342.120 to 342.430 as a teacher, administrator or personnel specialist if the
2 person has not submitted to a criminal records check by the commission
3 within the previous year.

4 “(b) A person who is applying for reinstatement of a license as a teacher,
5 administrator or personnel specialist whose license has lapsed for at least
6 three years.

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

9 “[*(d)*] (c) A person who is registering with the commission for student
10 teaching, practicum or internship as a teacher, administrator or personnel
11 specialist, if the person has not submitted to a criminal records check by the
12 commission within the previous three years for student teaching, practicum
13 or internship as a teacher, administrator or personnel specialist.

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

16 “(2) The making of any false statement as to the conviction of a crime is
17 grounds for refusal to issue, renew or reinstate a license[, *certificate*] or
18 registration and is in addition to the grounds stated in ORS 342.143.

19 “(3) A person may appeal the refusal to issue an initial license[,
20 *certificate*] or registration under this section as a contested case under ORS
21 183.413 to 183.470, but the refusal to renew or reinstate a license or regis-
22 tration is subject to ORS 342.175 to 342.180, and the commission shall notify
23 the person of the right to appeal.

24 “**SECTION 10.** ORS 342.227 is amended to read:

25 “342.227. The Teacher Standards and Practices Commission may issue to
26 an individual a temporary license [*or certificate*] as a teacher,
27 administrator[,] **or** personnel specialist [*or school nurse*] pending the return
28 of the criminal records check by the Federal Bureau of Investigation.

29 “**SECTION 11.** ORS 342.455, 342.465, 342.475, 342.485 and 342.495 are
30 **repealed.**

1 **“SECTION 12. Nothing in the amendments to ORS 329.007, 336.201,**
2 **339.374, 342.120, 342.183, 342.223 and 342.227 by sections 4 to 10 of this**
3 **2015 Act or the repeal of ORS 342.455, 342.465, 342.475, 342.485 and 342.495**
4 **by section 11 of this 2015 Act invalidates the life of any school nurse**
5 **certificate issued under ORS 342.475 prior to the effective date of this**
6 **2015 Act or makes a person unqualified to conduct and coordinate the**
7 **health services programs of a school if the person otherwise is quali-**
8 **fied for those duties.”.**

9 In line 17, delete “4” and insert “13”.

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