

**PROPOSED AMENDMENTS TO
HOUSE BILL 3339**

1 On page 1 of the printed bill, delete lines 11 through 29 and delete pages
2 2 through 44 and insert:

3 **“SECTION 1. (1) All the duties, functions and powers of the Teacher**
4 **Standards and Practices Commission relating to oversight, rulemaking**
5 **and policymaking are imposed upon, transferred to and vested in the**
6 **State Board of Education.**

7 **“(2) All the duties, functions and powers of the Teacher Standards**
8 **and Practices Commission relating to administration, except discipli-**
9 **nary procedures, are imposed upon, transferred to and vested in the**
10 **Teacher Standards and Practices Division of the Department of Edu-**
11 **cation.**

12 **“(3) All the duties, functions and powers of the Teacher Standards**
13 **and Practices Commission relating to disciplinary procedures are im-**
14 **posed upon and vested in the Teacher Standards and Practices Board.**

15 **“SECTION 2. (1) The executive director of the Teacher Standards**
16 **and Practices Commission shall:**

17 **“(a) Deliver to the Superintendent of Public Instruction all records**
18 **and property within the jurisdiction of the executive director that re-**
19 **late to the duties, functions and powers transferred by section 1 of this**
20 **2015 Act; and**

21 **“(b) Transfer to the Superintendent of Public Instruction those**
22 **employees engaged primarily in the exercise of the duties, functions**

1 and powers transferred by section 1 of this 2015 Act.

2 “(2) The Superintendent of Public Instruction shall take possession
3 of the records and property, and shall take charge of the employees
4 and employ them in the exercise of the duties, functions and powers
5 transferred by section 1 of this 2015 Act without reduction of com-
6 pensation but subject to change or termination of employment or
7 compensation as provided by law.

8 “(3) The Governor shall resolve any dispute relating to transfers of
9 records, property and employees under this section, and the
10 Governor’s decision is final.

11 **“SECTION 3. (1) The unexpended balances of amounts authorized**
12 **to be expended by the Teacher Standards and Practices Commission**
13 **for the biennium beginning July 1, 2015, from revenues dedicated,**
14 **continuously appropriated, appropriated or otherwise made available**
15 **for the purpose of administering and enforcing the duties, functions**
16 **and powers transferred by section 1 of this 2015 Act are transferred to**
17 **and are available for expenditure by the Department of Education for**
18 **the biennium beginning July 1, 2015, for the purpose of administering**
19 **and enforcing the duties, functions and powers transferred by section**
20 **1 of this 2015 Act.**

21 “(2) The expenditure classifications, if any, established by Acts au-
22 thORIZING or limiting expenditures by the Teacher Standards and
23 Practices Commission remain applicable to expenditures by the De-
24 partment of Education under this section.

25 **“SECTION 4. The transfer of duties, functions and powers by sec-**
26 **tion 1 of this 2015 Act does not affect any action, proceeding or pros-**
27 **ecution involving or with respect to such duties, functions and powers**
28 **begun before and pending at the time of the transfer, except that the**
29 **Department of Education is substituted for the Teacher Standards and**
30 **Practices Commission in the action, proceeding or prosecution.**

1 **“SECTION 5. (1) Nothing in sections 1 to 7 or 10 of this 2015 Act,**
2 **the amendments to statutes by sections 11 and 13 to 74 of this 2015 Act**
3 **or the repeal of statutes by section 75 of this 2015 Act relieves a person**
4 **of a liability, duty or obligation accruing under or with respect to the**
5 **duties, functions and powers transferred by section 1 of this 2015 Act.**
6 **The Department of Education may undertake the collection or**
7 **enforcement of any such liability, duty or obligation.**

8 **“(2) The rights and obligations of the Teacher Standards and Prac-**
9 **tices Commission legally incurred under contracts, leases and business**
10 **transactions executed, entered into or begun before the operative date**
11 **of section 1 of this 2015 Act are transferred to the Department of Ed-**
12 **ucation. For the purpose of succession to these rights and obligations,**
13 **the Department of Education is a continuation of the Teacher Stan-**
14 **dards and Practices Commission and not a new authority.**

15 **“SECTION 6. Notwithstanding the transfer of duties, functions and**
16 **powers by section 1 of this 2015 Act, the rules of the Teacher Standards**
17 **and Practices Commission in effect on the operative date of section 1**
18 **of this 2015 Act continue in effect until superseded or repealed by rules**
19 **of the State Board of Education. References in rules of the Teacher**
20 **Standards and Practices Commission to the Teacher Standards and**
21 **Practices Commission or an officer or employee of the Teacher Stan-**
22 **dards and Practices Commission are considered to be references to:**

23 **“(1) The State Board of Education or an officer or employee of the**
24 **board for any duties, functions or powers related to oversight,**
25 **rulemaking or policymaking.**

26 **“(2) The Teacher Standards and Practices Division of the Depart-**
27 **ment of Education or an officer or employee of the division for any**
28 **duties, functions or powers related to administration, except discipli-**
29 **nary procedures.**

30 **“(3) The Teacher Standards and Practices Board or an officer or**

1 employee of the board for any duties, functions or powers related to
2 disciplinary procedures.

3 **“SECTION 7.** Whenever, in any statutory law or resolution of the
4 Legislative Assembly or in any rule, document, record or proceeding
5 authorized by the Legislative Assembly, reference is made to the
6 Teacher Standards and Practices Commission or an officer or em-
7 ployee of the Teacher Standards and Practices Commission, the refer-
8 ence is considered to be a reference to:

9 “(1) The State Board of Education or an officer or employee of the
10 board in relation to oversight, rulemaking and policymaking.

11 “(2) The Teacher Standards and Practices Division of the Depart-
12 ment of Education or an officer or employee of the division in relation
13 to administration, except disciplinary procedures.

14 “(3) The Teacher Standards and Practices Board or an officer or
15 employee of the board in relation to disciplinary procedures.

16 **“SECTION 8.** Sections 1 to 7 of this 2015 Act become operative on
17 January 1, 2016.

18 **“SECTION 9.** Section 10 of this 2015 Act is added to and made a part
19 of ORS chapter 342.

20 **“SECTION 10.** There is created a Teacher Standards and Practices
21 Division of the Department of Education. The division shall be re-
22 sponsible for:

23 “(1) The administration of the licensure or registration of persons
24 under this chapter.

25 “(2) Making recommendations to the State Board of Education for
26 the purpose of adopting rules and standards related to teachers and
27 administrators licensed or registered under this chapter.

28 **“SECTION 11.** ORS 342.350 is amended to read:

29 “342.350. (1) There is created a Teacher Standards and Practices [*Com-*
30 *mission consisting*] **Board.** The board shall be responsible for:

1 “(a) **Disciplinary procedures related to the licensure or registration**
2 **of persons under this chapter, including investigations and hearings**
3 **under ORS 342.176, 342.177 and 342.183; and**

4 “(b) **Making recommendations to the State Board of Education for**
5 **the purpose of adopting rules and standards related to teachers and**
6 **administrators licensed or registered under this chapter.**

7 “(2) **The board consists** of 17 members appointed by the Governor sub-
8 ject to confirmation by the Senate in the manner provided in ORS 171.562
9 and 171.565.

10 “[(2)] (3) The term of office of a member is three years. Before the expi-
11 ration of the term of a member, the Governor shall appoint a successor to
12 assume the duties on January 1 next following. A member is eligible for re-
13 appointment but only for one additional term. In case of a vacancy for any
14 cause, the Governor shall make an appointment to become immediately ef-
15 fective for the unexpired term.

16 “[(3)] (4) Any member who through change of employment standing or
17 other circumstances no longer meets the criteria for the position to which
18 the member was appointed shall no longer be eligible to serve in that posi-
19 tion, and the position on the [*commission*] **board** shall become vacant 60 days
20 following the member’s change in circumstances.

21 “**SECTION 12. For the purpose of harmonizing and clarifying stat-**
22 **utory law, the Legislative Counsel may substitute for words designat-**
23 **ing the ‘Teacher Standards and Practices Commission’ or its officers**
24 **or employees, wherever they occur in statutory law, words designat-**
25 **ing:**

26 “(1) **The ‘State Board of Education’ or its officers or employees in**
27 **relation to any duties, functions or powers that relate to oversight,**
28 **rulemaking or policymaking.**

29 “(2) **The ‘Teacher Standards and Practices Division of the Depart-**
30 **ment of Education’ or its officers or employees in relation to any du-**

1 ties, functions or powers that relate to administration, except
2 disciplinary procedures.

3 “(3) The ‘Teacher Standards and Practices Board’ or its officers or
4 employees in relation to any duties, functions or powers that relate
5 to disciplinary procedures.

6 “**SECTION 13.** ORS 181.525 is amended to read:

7 “181.525. Whenever any court or district attorney receives a disposition
8 report and the court or district attorney has cause to believe that the ar-
9 rested person who is the subject of the report is an employee of a school
10 district or is licensed as a school teacher or administrator and that the
11 charge involves a violation of any crime listed in ORS 342.143 (3), the court
12 or district attorney shall cause [*the Teacher Standards and Practices Com-*
13 *mission and the Department of Education to be sent*] a copy of the completed
14 disposition report **to be sent to the Teacher Standards and Practices**
15 **Division of the Department of Education.**

16 “**SECTION 14.** ORS 329.788 is amended to read:

17 “329.788. As used in ORS 329.788 to 329.820:

18 “(1) ‘Beginning administrator’ means a principal or superintendent who:

19 “(a) Possesses an administrative license issued by the [*Teacher Standards*
20 *and Practices Commission*] **Teacher Standards and Practices Division of**
21 **the Department of Education;**

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

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

25 “(2) ‘Beginning teacher’ means a teacher who:

26 “(a) Possesses a teaching license issued by the [*Teacher Standards and*
27 *Practices Commission*] **Teacher Standards and Practices Division of the**
28 **Department of Education;**

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

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

3 “(3) ‘Mentor’ means an individual who:

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

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

7 “(c) Possesses a teaching or administrative license issued by the [*Teacher*
8 *Standards and Practices Commission*] **Teacher Standards and Practices**
9 **Division of the Department of Education;**

10 “(d) Has successfully served for five or more years as a licensed teacher,
11 principal or superintendent in any public school; and

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

13 “(4) ‘Mentorship program’ means a program provided by a mentor to a
14 beginning teacher or administrator that includes, but is not limited to, direct
15 classroom observation and consultation, assistance in instructional planning
16 and preparation, support in implementation and delivery of classroom in-
17 struction, development of school leadership skills and other assistance in-
18 tended to assist the beginning teacher or administrator to become a confident
19 and competent professional educator who makes a positive impact on student
20 learning.

21 **“SECTION 15.** ORS 329.800 is amended to read:

22 “329.800. (1) Each school district that wishes to participate in the begin-
23 ning teacher and administrator mentorship program shall submit a formal
24 application to the Department of Education. The application shall include:

25 “(a) The names of all eligible beginning teachers and administrators em-
26 ployed by the school district and a description of their assignments; and

27 “(b) A description of the proposed mentorship program, which must pro-
28 vide frequent contact, totaling a minimum of 90 hours, between the mentors
29 and beginning teachers and administrators throughout the school year.

30 “(2) The school district shall certify in the application that no eligible

1 beginning professional educators are or may be under a conditional license,
2 except as provided in rules of the [*Teacher Standards and Practices Com-*
3 *mission*] **State Board of Education.**

4 **“SECTION 16.** ORS 336.635 is amended to read:

5 “336.635. (1) The parent or guardian of a student may enroll the student
6 in one of the proposed public alternative education programs or private al-
7 ternative education programs of instruction or instruction combined with
8 counseling if:

9 “(a) The enrollment is necessary to meet the student’s educational needs
10 and interests.

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

12 “(c) For a program in a school district in which the student is a resident,
13 the resident school district approves the enrollment.

14 “(d) For a program in a school district in which the student is not a
15 resident, the resident school district and the attending school district ap-
16 prove the enrollment.

17 “(e) For a private alternative education program, the program is regis-
18 tered with the Department of Education.

19 “(2) If the student is eligible for special education under ORS 343.221 to
20 343.236 and 343.261 to 343.295, the program must be approved by the Depart-
21 ment of Education prior to the placement of the student in the program.

22 “(3) A student enrolled pursuant to this section is considered enrolled in
23 the schools of the district offering the program for purposes of the distrib-
24 ution of the State School Fund.

25 “(4) An alternative education program that is offered to a student who is
26 not a resident of the school district may bill tuition to the school district
27 where the student is a resident. The billing may be made annually or at the
28 end of each term or semester of the alternative education program. For each
29 full-time equivalent student enrolled in the alternative education program,
30 the resident school district shall pay the actual cost of the program or an

1 amount at least equivalent to 80 percent of the district’s estimated current
2 year’s average per student net operating expenditure, whichever is less, in
3 accordance with rules adopted by the State Board of Education. The alter-
4 native education program is accountable for the expenditures of all State
5 School Fund moneys and other local school support moneys and shall provide
6 the resident school district with an annual statement of the expenditures.

7 “(5) A private alternative education program that is registered with the
8 department is not required to employ only licensed teachers or administra-
9 tors. Teachers and administrators in private programs are not considered
10 employees of any school district for purposes of ORS 342.173.

11 “(6) A school district is not required to provide a public alternative edu-
12 cation program if the student can be referred to public or approved private
13 alternative education programs that are appropriate for and accessible to the
14 student.

15 “(7) Any basic, standard, initial or professional teaching license or
16 teacher leader license issued by the [*Teacher Standards and Practices Com-*
17 *mission*] **Teacher Standards and Practices Division of the Department**
18 **of Education** is valid for teaching all subjects and grade levels in an al-
19 ternative education program operated by a school district or education ser-
20 vice district.

21 **“SECTION 17.** ORS 338.120 is amended to read:

22 “338.120. (1) In addition to any other requirements of this chapter for a
23 public charter school, a virtual public charter school must have:

24 “(a) A plan for academic achievement that addresses how the school will
25 improve student learning and meet academic content standards required by
26 ORS 329.045.

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

30 “(c) A plan for implementing the proposed education program of the

1 school by directly and significantly involving parents and guardians of stu-
2 dents enrolled in the school and involving the professional employees of the
3 school.

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

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

7 “(A) Monitor and track student progress and attendance; and

8 “(B) Provide student assessments in a manner that ensures that an indi-
9 vidual student is being assessed and that the assessment is valid.

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

11 “(A) All superintendents, assistant superintendents and principals of the
12 school are licensed to administer by the [*Teacher Standards and Practices*
13 *Commission*] **Teacher Standards and Practices Division of the Depart-**
14 **ment of Education**; and

15 “(B) Teachers who are licensed to teach by the [*Teacher Standards and*
16 *Practices Commission*] **Teacher Standards and Practices Division of the**
17 **Department of Education** and who are highly qualified as described in the
18 federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425) teach
19 at least 95 percent of the school’s instructional hours.

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

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

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

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

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

29 “(B) Is offered an Internet service cost reimbursement arrangement under
30 which the school reimburses the parent or guardian of the student, at a rate

1 set by the school, for the costs of obtaining Internet service at the minimum
2 connection speed required to effectively access the education program pro-
3 vided by the school; or

4 “(C) Has access to and use of computer and printer equipment and is of-
5 fered Internet service cost reimbursement.

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

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

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

17 “(L) A plan to provide opportunities for face-to-face meetings between
18 teachers and students enrolled in the school at least six times each school
19 year.

20 “(m) A plan to provide, at the time of a student’s enrollment, written
21 notice to the sponsor and, if different, to the school district where the stu-
22 dent is a resident. Notification must be provided within 10 days after en-
23 rollment and must include:

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

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

26 “(n) A plan to provide, at the time of a student’s withdrawal for a reason
27 other than graduation from high school, written notice to the sponsor and,
28 if different, to the school district where the student is a resident. Notifica-
29 tion must be provided within 10 days after withdrawal and must include:

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

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

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

6 “(o) An agreement to provide a student’s education records to the
7 student’s resident school district or to the sponsor, upon request of the res-
8 ident school district or sponsor.

9 “(2) For a virtual public charter school:

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

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

13 “(B) A member of the governing body of the virtual public charter school;
14 or

15 “(C) An employee or other representative of any third-party entity with
16 which the virtual public charter school has entered into a contract to pro-
17 vide educational services.

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

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

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

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

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

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

8 “(A) The salaries of supervisory and management personnel and consult-
9 ants who are providing educational or related services for a public charter
10 school in this state; and

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

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

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

21 **“SECTION 18.** ORS 338.135 is amended to read:

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

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

1 school.

2 “(b) If a virtual public charter school or the sponsor of a virtual public
3 charter school contracts with a for-profit entity to provide educational ser-
4 vices through the virtual public charter school, the for-profit entity may not
5 be the employer of any employees of the virtual public charter school unless:

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

8 “(B) Both the executive officer of the sponsor and the public charter
9 school governing body approve employment by the for-profit entity. The
10 executive officer or governing body may choose to grant approval under this
11 subparagraph:

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

14 “(ii) Based on the job categories of the employees who meet the de-
15 scription in subparagraph (A) of this paragraph; or

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

18 “(3) The school district board of the school district within which the
19 public charter school is located shall grant a leave of absence to any em-
20 ployee who chooses to work in the public charter school. The length and
21 terms of the leave of absence shall be set by negotiated agreement or by
22 board policy. However, the length of the leave of absence may not be less
23 than two years unless:

24 “(a) The charter of the public charter school is terminated or the public
25 charter school is dissolved or closed during the leave of absence; or

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

28 “(4) An employee of a public charter school operating within a school
29 district who is granted a leave of absence from the school district and re-
30 turns to employment with the school district shall retain seniority and ben-

1 efits as an employee pursuant to the terms of the leave of absence.
2 Notwithstanding ORS 243.650 to 243.782, a school district that was the em-
3 ployer of an employee of a public charter school not operating within the
4 school district may make provisions for the return of the employee to em-
5 ployment with the school district.

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

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

11 “(7)(a) Any person employed as an administrator in a public charter
12 school shall be licensed or registered to administer by the [*Teacher Stan-*
13 *ards and Practices Commission*] **Teacher Standards and Practices Divi-**
14 **sion of the Department of Education.**

15 “(b) Any person employed as a teacher in a public charter school shall
16 be licensed or registered to teach by the [*commission*] **division.**

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

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

30 “(9) An entity described in ORS 338.005 (5) may not waive the right to

1 sponsor a public charter school in a collective bargaining agreement.

2 **“SECTION 19.** ORS 338.135, as amended by section 7, chapter 327, Oregon
3 Laws 2013, is amended to read:

4 “338.135. (1) Employee assignment to a public charter school shall be
5 voluntary.

6 “(2)(a) A public charter school or the sponsor of the public charter school
7 is considered the employer of any employees of the public charter school. If
8 a school district board is not the sponsor of the public charter school, the
9 school district board may not be the employer of the employees of the public
10 charter school and the school district board may not collectively bargain
11 with the employees of the public charter school. The public charter school
12 governing body shall control the selection of employees at the public charter
13 school.

14 “(b) If a virtual public charter school or the sponsor of a virtual public
15 charter school contracts with a for-profit entity to provide educational ser-
16 vices through the virtual public charter school, the for-profit entity may not
17 be the employer of any employees of the virtual public charter school.

18 “(3) The school district board of the school district within which the
19 public charter school is located shall grant a leave of absence to any em-
20 ployee who chooses to work in the public charter school. The length and
21 terms of the leave of absence shall be set by negotiated agreement or by
22 board policy. However, the length of the leave of absence may not be less
23 than two years unless:

24 “(a) The charter of the public charter school is terminated or the public
25 charter school is dissolved or closed during the leave of absence; or

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

28 “(4) An employee of a public charter school operating within a school
29 district who is granted a leave of absence from the school district and re-
30 turns to employment with the school district shall retain seniority and ben-

1 efits as an employee pursuant to the terms of the leave of absence.
2 Notwithstanding ORS 243.650 to 243.782, a school district that was the em-
3 ployer of an employee of a public charter school not operating within the
4 school district may make provisions for the return of the employee to em-
5 ployment with the school district.

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

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

11 “(7)(a) Any person employed as an administrator in a public charter
12 school shall be licensed or registered to administer by the [*Teacher Stan-*
13 *ards and Practices Commission*] **Teacher Standards and Practices Divi-**
14 **sion of the Department of Education.**

15 “(b) Any person employed as a teacher in a public charter school shall
16 be licensed or registered to teach by the [*commission*] **division.**

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

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

30 “(9) An entity described in ORS 338.005 (5) may not waive the right to

1 sponsor a public charter school in a collective bargaining agreement.

2 **“SECTION 20.** ORS 339.250 is amended to read:

3 “339.250. (1) Public school students shall comply with rules for the gov-
4 ernment of such schools, pursue the prescribed course of study, use the pre-
5 scribed textbooks and submit to the teachers’ authority.

6 “(2) Each district school board shall adopt written policies for the disci-
7 pline, suspension or expulsion of any refractory student. The policies:

8 “(a) May allow discipline, suspension or expulsion for conduct that in-
9 cludes, but is not limited to:

10 “(A) Willful disobedience;

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

12 “(C) Possession or distribution of tobacco, alcohol, drugs or other con-
13 trolled substances;

14 “(D) Use or display of profane or obscene language;

15 “(E) Willful damage or injury to school property;

16 “(F) Use of threats, intimidation, harassment or coercion against a stu-
17 dent or a school employee;

18 “(G) Assault of a school employee or another student; or

19 “(H) Intentional attempts, by word or conduct, to place a school employee
20 or another student in fear of imminent serious physical injury.

21 “(b) Must limit the use of expulsion to the following circumstances:

22 “(A) For conduct that poses a threat to the health or safety of students
23 or school employees;

24 “(B) When other strategies to change student conduct have been ineffec-
25 tive; or

26 “(C) When the expulsion is required by law.

27 “(c) Must require consideration of the age of a student and the past pat-
28 tern of behavior of a student prior to imposing the suspension or expulsion
29 of a student.

30 “(d) Must be limited so that:

1 “(A) The duration of an expulsion may not be more than one calendar
2 year.

3 “(B) The duration of a suspension may not be more than 10 school days.

4 “(e) Notwithstanding ORS 336.010, may require a student to attend school
5 during nonschool hours as an alternative to suspension if the total number
6 of hours does not exceed the equivalent of 10 school days.

7 “(3) Pursuant to the policies adopted as provided by subsection (2) of this
8 section, each school district shall develop a student handbook, code of con-
9 duct or other document that:

10 “(a) Defines and helps create a learning environment that students re-
11 spect;

12 “(b) Defines acceptable norms of behavior for students and the types of
13 behavior that are subject to discipline;

14 “(c) Establishes procedures to address behavior or circumstances that
15 pose a threat to the safety of students or employees of the school;

16 “(d) Establishes a system of consequences that are designed to correct
17 student misconduct and promote behavior within acceptable norms; and

18 “(e) Makes the system of consequences known to the school community
19 through the dissemination of information to students, parents, legal guardi-
20 ans and school district employees.

21 “(4) Each district school board shall adopt written policies on managing
22 students who threaten violence or harm in public schools. The policies
23 adopted by a district school board under this section shall include all of the
24 following:

25 “(a) Staff reporting methods.

26 “(b) Provisions that allow an administrator to consider and implement
27 any of the following options:

28 “(A) Immediately removing from the classroom setting any student who
29 has threatened to injure another person or to severely damage school prop-
30 erty.

1 “(B) Placing the student in a setting where the behavior will receive im-
2 mediate attention, including, but not limited to, the office of the school
3 principal, vice principal, assistant principal, counselor or a school psychol-
4 ogist licensed by the [*Teacher Standards and Practices Commission*] **Teacher**
5 **Standards and Practices Division of the Department of Education** or
6 the office of any licensed mental health professional.

7 “(C) Requiring that a school obtain an evaluation of a student by a li-
8 censed mental health professional before allowing the student to return to
9 the classroom setting. A student who is removed from the classroom setting
10 for an evaluation may not be removed for more than 10 school days unless
11 the administrator is able to show good cause that an evaluation could not
12 be completed in that time period. The policy must describe the circumstances
13 under which the district school board may enter into contracts with licensed
14 mental health professionals to perform any evaluations required under this
15 subparagraph.

16 “(c) The requirement that an administrator provide to the parent or legal
17 guardian of the student notification that describes the student’s behavior and
18 the school’s response.

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

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

23 “(a) Protect students and school employees from harm;

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

25 “(c) Foster positive learning communities;

26 “(d) Keep students in school and attending class;

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

29 “(f) Implement a graduated set of age-appropriate responses to misconduct
30 that are fair, nondiscriminatory and proportionate in relation to each

1 student's individual conduct;

2 “(g) Employ a range of strategies for prevention, intervention and disci-
3 pline that take into account a student's developmental capacities and that
4 are proportionate to the degree and severity of the student's misbehavior;

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

9 “(A) Following a second or subsequent occurrence within any three-year
10 period of a severe disciplinary problem with the student;

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

14 “(C) When a parent or legal guardian applies for the student's exemption
15 from compulsory attendance on a semiannual basis as provided in ORS
16 339.030 (2);

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

20 “(j) Ensure that school conduct and discipline codes comply with all state
21 and federal laws concerning the education of students with disabilities.

22 “(6) Except for policies adopted under subsection (7) of this section, any
23 policies adopted under this section must provide for the dissemination of
24 information about alternative programs of instruction or instruction com-
25 bined with counseling, as described in subsection (5)(h) of this section, in
26 writing to the student and the parent, legal guardian or person in parental
27 relationship with the student at least once every six months, unless the in-
28 formation has changed because of the availability of new programs.

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

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

3 “(A) Brought a firearm to a school, to school property under the juris-
4 diction of the school district or to an activity under the jurisdiction of the
5 school district;

6 “(B) Possessed, concealed or used a firearm in a school, on school prop-
7 erty under the jurisdiction of the school district or at an activity under the
8 jurisdiction of the school district; or

9 “(C) Brought to or possessed, concealed or used a firearm at an inter-
10 scholastic activity administered by a voluntary organization.

11 “(b) Allow exceptions:

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

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

17 “(c) Allow a superintendent of a school district to:

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

20 “(B) Propose alternative programs of instruction or instruction combined
21 with counseling for a student that are appropriate and accessible to the
22 student. If alternative programs are appropriate for a student, the super-
23 intendent shall ensure that information about programs of instruction or
24 instruction combined with counseling is provided in writing to the student
25 and the parent, legal guardian or person in parental relationship with the
26 student at least once every six months, or at any time the information
27 changes because of the availability of new programs.

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

30 “(e) Require an annual reporting to the Department of Education of the

1 name of each school that had an expulsion under this subsection and the
2 number of students expelled from each school.

3 “(8) Each district school board shall adopt and disseminate written poli-
4 cies for the use of physical force upon a student. The policies must allow an
5 individual who is a teacher, administrator, school employee or school vol-
6 unteer to use reasonable physical force upon a student when and to the ex-
7 tent the application of force is consistent with ORS 339.291.

8 “(9)(a) The authority to discipline a student does not authorize the in-
9 fliction of corporal punishment. Every resolution, bylaw, rule, ordinance or
10 other act of a district school board, a public charter school or the Depart-
11 ment of Education that permits or authorizes the infliction of corporal pun-
12 ishment upon a student is void and unenforceable.

13 “(b) As used in this subsection:

14 “(A) ‘Corporal punishment’ means the willful infliction of, or willfully
15 causing the infliction of, physical pain on a student.

16 “(B) ‘Corporal punishment’ does not include:

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

19 “(ii) Physical pain or discomfort resulting from or caused by participation
20 in athletic competition or other such recreational activity, voluntarily en-
21 gaged in by a student.

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

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

26 “(1) Require the applicant to provide:

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

29 “(b) A written authorization that authorizes the applicant’s current and
30 former employers that are education providers to disclose the information

1 requested under subsection (2) of this section.

2 “(c) A written statement of whether the applicant:

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

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

7 “(2) Conduct a review of the employment history of the applicant by
8 contacting the three most recent employers of the applicant who are educa-
9 tion providers and requesting:

10 “(a) The following information:

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

12 “(B) Whether the applicant was the subject of any substantiated reports
13 of abuse or sexual conduct related to the applicant’s employment with the
14 education provider;

15 “(C) The dates of any substantiated reports;

16 “(D) The definitions of abuse and sexual conduct used by the education
17 provider when the education provider determined that any reports were
18 substantiated; and

19 “(E) The standards used by the education provider to determine whether
20 any reports were substantiated.

21 “(b) Any disciplinary records required to be released as provided by ORS
22 339.388 (8).

23 “(3) For an applicant who is licensed, registered or certified with the
24 [*Teacher Standards and Practices Commission*] **Teacher Standards and**
25 **Practices Division of the Department of Education**, access online infor-
26 mation provided by the [*commission*] **division** to verify:

27 “(a) That the applicant is licensed, registered or certified by the [*com-*
28 *mission*] **division**; and

29 “(b) Whether the [*commission*] **division** has provided any information re-
30 lating to conduct by the applicant that may constitute abuse or sexual con-

1 duct.

2 “(4) Conduct a nationwide criminal records check if required by ORS
3 326.603.

4 **“SECTION 22.** ORS 339.388 is amended to read:

5 “339.388. (1)(a) A school employee having reasonable cause to believe that
6 a child with whom the employee comes in contact has suffered abuse by an-
7 other school employee or by a student, or that another school employee or
8 a student with whom the employee comes in contact has abused a child, shall
9 immediately report the information to:

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

11 “(B) A law enforcement agency, the Department of Human Services or a
12 designee of the department as required by ORS 419B.010 and 419B.015.

13 “(b) A school employee having reasonable cause to believe that a student
14 with whom the employee comes in contact has been subjected to sexual
15 conduct by another school employee, or that another school employee with
16 whom the employee comes in contact has engaged in sexual conduct, shall
17 immediately report the information to the person designated in the policy
18 adopted under ORS 339.372.

19 “(2) A person who receives a report under subsection (1) of this section
20 shall follow the procedures required by the policy adopted by the school
21 board under ORS 339.372.

22 “(3)(a) Except as provided in subsection (4) of this section, when an edu-
23 cation provider receives a report of suspected abuse or sexual conduct by one
24 of its employees, and the education provider’s designee determines that there
25 is reasonable cause to support the report, the education provider:

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

28 “(B) In the case of suspected sexual conduct, may place the school em-
29 ployee on paid administrative leave or in a position that does not involve
30 direct, unsupervised contact with children.

1 “(b) A school employee who is placed on paid administrative leave under
2 paragraph (a)(A) of this subsection shall remain on administrative leave un-
3 til:

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

7 “(B) The Department of Human Services or a law enforcement agency
8 determines that the report is substantiated and the education provider takes
9 the appropriate disciplinary action against the school employee.

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

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

19 “(a) Inform the school employee that the education provider has deter-
20 mined that the report has been substantiated.

21 “(b) Provide the school employee with information about the appropriate
22 appeal process for the determination made by the education provider. The
23 appeal process may be the process provided by a collective bargaining
24 agreement or a process administered by a neutral third party and paid for
25 by the school district.

26 “(c) Following notice of a school employee’s decision not to appeal the
27 determination or following the determination of an appeal that sustained the
28 substantiated report, create a record of the substantiated report and place
29 the record in the personnel file of the school employee. Records created
30 pursuant to this paragraph are confidential and are not public records as

1 defined in ORS 192.410. An education provider may use the record as a basis
2 for providing the information required to be disclosed under ORS 339.378.

3 “(d) Inform the school employee that information about substantiated re-
4 ports may be disclosed to a potential employer as provided by subsection (8)
5 of this section and ORS 339.378.

6 “(6)(a) Notwithstanding the requirements of subsections (3), (4) and (5)
7 of this section, an education provider that is a private school:

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

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

10 “(ii) The standards and policies of the private school if the standards and
11 policies provide the same or greater safeguards for the protection of children
12 compared to the safeguards described in subsections (3) and (4) of this sec-
13 tion.

14 “(B) May follow the procedures described in subsection (5) of this section
15 or may follow any appeals process established by the private school related
16 to suspected child abuse or sexual conduct.

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

20 “(7) Upon request from a law enforcement agency, the Department of
21 Human Services [*or the Teacher Standards and Practices Commission*], **the**
22 **Teacher Standards and Practices Board or the Teacher Standards and**
23 **Practices Division of the Department of Education**, a school district
24 shall provide the records of investigations of suspected abuse by a school
25 employee or former school employee.

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

29 “(b) If a school employee is convicted of a crime listed in ORS 342.143,
30 the education provider that is the employer of the employee shall disclose

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

2 “(c) If a former school employee is convicted of a crime listed in ORS
3 342.143, the education provider that was the employer of the former employee
4 when the crime was committed shall disclose the disciplinary records of the
5 former employee to any person upon request.

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

11 **“SECTION 23.** ORS 341.535 is amended to read:

12 “341.535. (1) Community college faculty are not required to have teaching
13 licenses.

14 “(2) Notwithstanding ORS 342.173, community college faculty who provide
15 instruction in cooperation with a school district for academic, career and
16 technical education, school-to-work or other work-related programs under
17 ORS chapter 329 are not required to have teaching licenses. If the faculty
18 member is not a regular full-time employee of the community college, the
19 school district shall follow the instructor appraisal committee procedures
20 adopted by the [*Teacher Standards and Practices Commission*] **State Board
21 of Education.**

22 “(3) Until a community college becomes accredited by the Northwest
23 Commission on Colleges and Universities or its successor, the board of **ed-
24 ucation of the community college district** shall obtain the approval of the
25 accredited community college with which it contracts for curriculum and
26 instructional services before employing any person to teach transfer courses.

27 **“SECTION 24.** ORS 342.120 is amended to read:

28 “342.120. As used in this chapter, unless the context requires otherwise:

29 “(1) ‘Administrator’ includes but is not limited to all superintendents,
30 assistant superintendents and principals in the public schools or education

1 service districts.

2 “(2) ‘Approved teacher education institution’ is one [*which*] **that** meets
3 the standards [*of the Teacher Standards and Practices Commission*] **estab-**
4 **lished by the State Board of Education** for preparation of teachers for
5 preprimary programs and grades 1 through 12.

6 “(3) ‘Approved teacher education program’ is one offered by an approved
7 teacher education institution and is so recognized by the [*Teacher Standards*
8 *and Practices Commission, after considering recommendations of the State*
9 *Board of Education*] **Teacher Standards and Practices Division of the**
10 **Department of Education.**

11 “[*(4) ‘Commission’ means the Teacher Standards and Practices Commis-*
12 *sion.*.]

13 “[*(5)*] **(4)** ‘Educational assistant’ means a classified school employee who
14 does not require a license to teach, who is employed by a school district or
15 education service district and whose assignment consists of and is limited
16 to assisting a licensed teacher in accordance with rules established by the
17 State Board of Education.

18 “[*(6)*] **(5)** ‘Instruction’ includes direction of learning in class, in small
19 groups, in individual situations, in the library and in guidance and coun-
20 seling, but does not include the provision of related services, as defined in
21 ORS 343.035, to a child identified as a child with a disability pursuant to
22 ORS 343.146 to 343.183 when provided in accordance with ORS 343.221.

23 “[*(7)*] **(6)** ‘Intern teacher’ means a regularly enrolled student of an ap-
24 proved teacher education institution who teaches under the supervision of
25 the staff of the institution and of the employing school district in order to
26 acquire practical experience in teaching and for which the student receives
27 both academic credit from the institution and financial compensation from
28 the school district or education service district.

29 “[*(8) ‘State board’ means the State Board of Education.*.]

30 “[*(9)*] **(7)** ‘Teacher’ includes all licensed employees in the public schools

1 or employed by an education service district who have direct responsibility
2 for instruction, coordination of educational programs or supervision or
3 evaluation of teachers and who are compensated for their services from
4 public funds. 'Teacher' does not include a school nurse as defined in ORS
5 342.455.

6 "[10] (8) 'Teaching license' means a license issued under ORS 342.125
7 or 342.144.

8 "[11] (9) 'Underrepresented person' means:

9 "(a) A person having origins in any of the black racial groups of Africa,
10 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
13 East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

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

16 "**SECTION 25.** ORS 342.121 is amended to read:

17 "342.121. (1) The [*Teacher Standards and Practices Commission*] **Teacher**
18 **Standards and Practices Division of the Department of Education** shall
19 issue licenses to teachers and administrators who possess the minimum
20 competencies, knowledge and skills to teach and administer in the public
21 schools of the state.

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

28 "(b) In addition to holding an administrative license as a superintendent,
29 a person who is a superintendent of an education service district shall obtain
30 certification, indicating a higher degree of competency, knowledge and skill

1 based on work experience and advanced study, from the [commission] **divi-**
2 **sion**. The certificate shall be designed to ensure that the superintendent has
3 knowledge of theories related to change, strategic planning and financial
4 planning and is capable of formulating interorganizational cooperation and
5 developing partnerships. The certificate described in this paragraph is re-
6 quired for a person to be a superintendent of an education service district
7 of this state.

8 **“SECTION 26.** ORS 342.122 is amended to read:

9 “342.122. (1) There is created the National Board Certification Fund,
10 separate and distinct from the General Fund. Interest earned on moneys in
11 the National Board Certification Fund shall be credited to the fund.

12 “(2) The [*Teacher Standards and Practices Commission*] **Teacher Stan-**
13 **dards and Practices Division of the Department of Education** may ac-
14 cept from any source any grant, donation or gift of money or other valuable
15 thing made to the [commission] **division** for purposes of the National Board
16 Certification Fund.

17 “(3) Moneys credited to the National Board Certification Fund are con-
18 tinuously appropriated to the [commission] **division** for the purposes set
19 forth in subsections (4) and (5) of this section. The [commission] **division**
20 may draw checks or orders upon the State Treasurer in making disburse-
21 ments from the fund for the purposes stated in this subsection.

22 “(4) Moneys in the National Board Certification Fund shall be used to
23 encourage public school teachers and administrators in this state to apply
24 for and attain certification through the National Board for Professional
25 Teaching Standards or any other national professional organization for
26 teaching standards designated by the [*Teacher Standards and Practices*
27 *Commission*] **State Board of Education**.

28 “(5) The [*Teacher Standards and Practices Commission*] **division** may
29 disburse moneys from the National Board Certification Fund to applicants
30 for assistance with the direct costs of seeking and obtaining national board

1 certification. The [*commission*] **division** shall manage the fund in a manner
2 that provides support, but does not pay for all the costs of any one applica-
3 tion. Additionally, the [*commission*] **division** shall manage the fund to pro-
4 vide continuous support to as many applicants as possible.

5 “(6) The [*Teacher Standards and Practices Commission*] **State Board of**
6 **Education** shall adopt rules that govern the disbursement of moneys from
7 the National Board Certification Fund consistent with this section.

8 “**SECTION 27.** ORS 342.123 is amended to read:

9 “342.123. (1) In addition to and not in lieu of any other law or rule or
10 standard established by the [*Teacher Standards and Practices Commission*]
11 **State Board of Education**, the [*commission*] **Teacher Standards and**
12 **Practices Division of the Department of Education** shall require an ap-
13 plicant for a first-time license or registration issued by the [*commission*] **di-**
14 **vision** to demonstrate knowledge of:

15 “(a) Title VI of the Civil Rights Act of 1964, Title IX of the Education
16 Amendments of 1972, and other relevant federal and state statutes prohibit-
17 ing discrimination; and

18 “(b) Ethical standards of professional conduct for licensees and regis-
19 trants, as [*determined by the commission*] **identified by the State Board of**
20 **Education**.

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

23 “**SECTION 28.** ORS 342.125 is amended to read:

24 “342.125. (1) Teaching licenses shall be issued and renewed by the
25 [*Teacher Standards and Practices Commission*] **Teacher Standards and**
26 **Practices Division of the Department of Education** by the authority of
27 the State of Oregon, subject to ORS 342.120 to 342.430 and the rules of the
28 [*commission*] **State Board of Education**.

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

1 “(a) Basic teaching license.

2 “(b) Standard teaching license.

3 “(c) Administrative license.

4 “(d) Restricted teaching license.

5 “(3) Subject to ORS 342.130 and to subsection (4) of this section and in
6 addition to the teaching licenses described in subsection (2) of this section,
7 licenses shall be of the following types:

8 “(a) Initial teaching license.

9 “(b) Professional teaching license.

10 “(c) Teacher leader license.

11 “(d) Initial personnel service license.

12 “(e) Continuing personnel service license.

13 “(f) Initial administrative license.

14 “(g) Continuing administrative license.

15 “(4) The [*Teacher Standards and Practices Commission*] **State Board of**
16 **Education** may establish other types of teaching licenses as it considers
17 necessary for operation of the public schools of the state and may prescribe
18 the qualifications for the licenses. However, no license established under the
19 authority of this subsection is required for a regular classroom teaching po-
20 sition in the public schools.

21 “(5)(a) The [*Teacher Standards and Practices Commission*] **division** shall
22 establish a public charter school teacher and administrator registry. The
23 [*commission*] **division** shall require the applicant and the public charter
24 school to jointly submit an application requesting registration as a public
25 charter school teacher or administrator. The application shall include:

26 “(A) A description of the specific teaching or administrator position the
27 applicant will fill;

28 “(B) A description of the background of the applicant that is relevant to
29 the teaching or administrator position, including any post-secondary educa-
30 tion or other experience; and

1 “(C) Documentation as required by the [*commission*] **division** for the
2 purposes of conducting a criminal records check as provided in ORS 181.534
3 and a background check through an interstate clearinghouse of revoked and
4 suspended licenses.

5 “(b) Subject to the results of the criminal records check and background
6 check and to information received under ORS 342.143 (2), the [*commission*]
7 **division** shall approve the application for registration. The [*commission*] **di-**
8 **vision** may deny a request for registration only on the basis of the criminal
9 records check, the background check through an interstate clearinghouse of
10 revoked and suspended licenses or the information received under ORS
11 342.143 (2). The registration is valid for three years and may be renewed upon
12 joint application from the teacher or administrator and the public charter
13 school.

14 “(c) A registration as a public charter school teacher qualifies its holder
15 to accept the teaching position described in the application in the public
16 charter school that submitted the application with the holder of the regis-
17 tration.

18 “(d) A registration as a public charter school administrator qualifies its
19 holder to accept the administrator position described in the application in
20 the public charter school that submitted the application with the holder of
21 the registration.

22 “(6)(a) The [*Teacher Standards and Practices Commission*] **State Board**
23 **of Education** shall adopt an expedited process for the issuance of any li-
24 cense established pursuant to this section. The process may require a school
25 district superintendent or school district board and the applicant to jointly
26 submit an application requesting an emergency license.

27 “(b) Within two working days after receiving a completed application, the
28 [*commission*] **division** shall issue the emergency license.

29 “(c) [*However, the commission*] **Notwithstanding paragraph (b) of this**
30 **subsection, the division** may limit the number of applications for expedited

1 service from a school district or education service district to not more than
2 100 applications in a period of two working days.

3 “(d) For purposes of this subsection, the [commission] **division** may not
4 distinguish between a school district or education service district involved
5 in a labor dispute and any other school district or education service district.

6 “**SECTION 29.** ORS 342.127 is amended to read:

7 “342.127. (1) The [*Teacher Standards and Practices Commission*] **State**
8 **Board of Education** shall establish and the [commission] **Teacher Stan-**
9 **dards and Practices Division of the Department of Education** shall
10 collect:

11 “(a) A fee not to exceed \$100 for evaluation of the initial application for
12 each teaching license for which application is made. If the applicant is eli-
13 gible for the teaching license for which application is made and the license
14 is issued within 90 days of original application, the [commission] **division**
15 shall issue the license without additional charge.

16 “(b) A fee not to exceed \$100 for the renewal of each teaching license and
17 a fee not to exceed \$20 for each duplicate teaching license.

18 “(c) A fee not to exceed \$800 for a beginning teacher assessment con-
19 ducted in lieu of an approved preparation program required for licensure.

20 “(d) A fee not to exceed \$200 for alternative assessment conducted in lieu
21 of a passing score on a licensure examination established by the
22 [commission] **division**.

23 “(e) A fee not to exceed \$75 for registration as a public charter school
24 teacher or administrator that includes any fee charged pursuant to rules
25 adopted under ORS 181.534.

26 “(f) A fee not to exceed \$75 for renewal of a registration as a public
27 charter school teacher or administrator that includes any fee charged pur-
28 suant to rules adopted under ORS 181.534.

29 “(2) In addition to the fee required by subsection (1) of this section for
30 the issuance of a teaching license, the [*Teacher Standards and Practices*

1 *Commission*] **division** shall collect a fee not to exceed \$150 for the evaluation
2 of an applicant requesting licensing based upon completion of other than an
3 Oregon approved teacher education program.

4 “(3) In addition to the fees required by subsection (1) of this section, the
5 [*Teacher Standards and Practices Commission*] **division** shall collect a late
6 application fee not to exceed \$25 per month up to a maximum of \$125 from
7 an applicant who fails to make timely application for renewal of the license
8 or registration. The actual amount of the fee shall be determined in accord-
9 ance with rules of the [*Teacher Standards and Practices Commission*] **State**
10 **Board of Education**.

11 “(4) In spite of the expiration date posted on the license, the license shall
12 continue to be valid for purposes of ORS 342.173 for an additional 120 days.
13 However, the district may require a statement from the applicant indicating
14 that the applicant has completed the requirements for license renewal.

15 “(5) In addition to the fee required by subsection (1) of this section for
16 the issuance of a teaching license, the [*commission*] **division** shall collect a
17 fee not to exceed \$150 for the reinstatement of a license that has been re-
18 voked by the [*commission*] **division** for gross neglect of duty or gross unfit-
19 ness under ORS 342.175.

20 “(6) In addition to the fee required by subsection (1) of this section for
21 the issuance of a teaching license, the [*commission*] **division** shall collect a
22 fee not to exceed \$100 for the issuance of any emergency license through an
23 expedited process at the request of any school district or education service
24 district that seeks to employ the applicant.

25 “(7) Fee rates established under this section shall cover, but not exceed,
26 the full cost of administrative expenses incurred by the [*commission*] **divi-**
27 **sion** during any biennium.

28 “**SECTION 30.** ORS 342.130 is amended to read:

29 “342.130. (1) Nothing in ORS 342.120 to 342.173 is intended to invalidate
30 the life of any certificate or diploma in effect on June 30, 1965, nor to in-

1 validate the rights granted prior to June 30, 1965, by the law and the rules
2 of the State Board of Education under which the certificate or diploma was
3 issued.

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

8 “(3) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life
9 of any basic or standard teaching or administrative license in effect prior to
10 January 15, 1999, nor to invalidate the rights granted prior to January 15,
11 1999, by the law and by the rules of the Teacher Standards and Practices
12 Commission under which the license was issued.

13 “(4) **Nothing in sections 1 to 7 of this 2015 Act is intended to inval-**
14 **idate the life of any license, certificate or registration in effect prior**
15 **to January 1, 2016, or to invalidate the rights granted prior to January**
16 **1, 2016, by the law and by the rules of the Teacher Standards and**
17 **Practices Commission under which the license, certificate or registra-**
18 **tion was issued.**

19 “**SECTION 31.** ORS 342.135 is amended to read:

20 “342.135. (1) A teaching license provided for in this section shall qualify
21 its holder to accept any instructional assignment from preprimary through
22 grade 12 for which the holder has completed the professional requirements
23 established by the rules of the [*Teacher Standards and Practices*
24 *Commission*] **State Board of Education.**

25 “(2)(a) A basic teaching license shall be issued on application to an oth-
26 erwise qualified person who has completed an approved teacher education
27 program and meets the other requirements that the [*Teacher Standards and*
28 *Practices Commission*] **board** may consider necessary to maintain and im-
29 prove quality of instruction in the public schools of the state.

30 “(b) Holders of the basic teaching license who meet the requirements of

1 the [*Teacher Standards and Practices Commission*] **board** to teach in the
2 regular classroom program of the public schools in kindergarten through
3 grade nine may renew the basic license to qualify them to continue in such
4 teaching by verification of successful teaching experience and of continuing
5 professional development in keeping with [*Teacher Standards and Practices*
6 *Commission*] **board** rules.

7 “(c) A holder of the basic teaching license with an endorsement in art,
8 educational media, foreign language, health, home economics, industrial arts,
9 music, physical education and reading may renew the initial basic license
10 by verification of successful teaching experience and of continuing profes-
11 sional development in keeping with [*Teacher Standards and Practices Com-*
12 *mission*] **board** rules. This paragraph applies to licenses for preprimary
13 programs and grades 1 through 8 and shall include grade 9 if the teacher is
14 teaching in a middle school or a junior high.

15 “(d) Secondary teachers may teach in the public schools, grades 5 through
16 12, in those subject fields in which they have met the requirements of the
17 [*Teacher Standards and Practices Commission*] **board**.

18 “(e) A holder of a standard teaching license who meets the requirements
19 of the [*Teacher Standards and Practices Commission*] **board** to teach in the
20 regular classroom program of the public schools in kindergarten through
21 grade 12 is eligible to renew the standard license to qualify to continue in
22 such teaching by verification of successful teaching experience and of con-
23 tinuing professional development consistent with rules of the [*Teacher Stan-*
24 *dards and Practices Commission*] **board**.

25 “(3)(a) A standard teaching license shall be issued on application to an
26 otherwise qualified person who has completed an approved teacher education
27 program, has taught on a basic teaching license for a minimum period of
28 time to be determined by the [*Teacher Standards and Practices Commission*]
29 **board**, and is recommended for licensing by the approved teacher education
30 institution or the school district, whichever offered the program.

1 “(b) Preparation shall be a planned education program consisting of
2 courses taken in an approved teacher education institution or in an in-
3 service training program offered by a school district for which credit is given
4 by an approved teacher education institution or some combination of both,
5 in accordance with rules of the [*Teacher Standards and Practices*
6 *Commission*] **board**.

7 “(4) Notwithstanding subsection (2) of this section, the [*Teacher Stan-*
8 *dards and Practices Commission*] **board** shall by rule adopt dates by which
9 continuing professional development is required for renewal of a basic or
10 standard teaching license.

11 **“SECTION 32.** ORS 342.136 is amended to read:

12 “342.136. (1) An initial teaching, personnel service or administrative li-
13 cense shall qualify its holder to accept any assignment from preprimary
14 through grade 12 for which the holder has completed the requirements es-
15 tablished by the rules of the [*Teacher Standards and Practices Commission*]
16 **State Board of Education**.

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

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

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

29 **“SECTION 33.** ORS 342.137 is amended to read:

30 “342.137. (1) A teacher leader license shall designate that its holder is

1 qualified to provide leadership that may include mentoring, curriculum de-
2 velopment support, teacher preparation support and other educational lead-
3 ership.

4 “(2) A teacher leader license shall be issued on application to an other-
5 wise qualified person who:

6 “(a) Has a valid professional teaching license; and

7 “(b) Has been deemed to be effective to highly effective in teaching, as
8 shown by evaluations conducted in compliance with ORS 342.856 or as shown
9 by other evidence identified by the [*Teacher Standards and Practices Com-*
10 *mission*] **State Board of Education** by rule.

11 “(3) A teacher leader license may be renewed if the applicant meets the
12 requirements established by the [*Teacher Standards and Practices Commis-*
13 *sion*] **board** by rule.

14 “(4) The [*Teacher Standards and Practices Commission*] **board** shall de-
15 velop a process by which a teacher holding a teacher leader license is auto-
16 matically issued a professional teaching license upon nonrenewal of a
17 teacher leader license if the teacher meets the requirements for a profes-
18 sional teaching license.

19 “**SECTION 34.** ORS 342.138 is amended to read:

20 “342.138. (1) A professional teaching license, a continuing personnel ser-
21 vice license or a continuing administrative license shall qualify the holder
22 to accept any assignments for preprimary through grade 12 for which the
23 holder has completed the advanced requirements established by the rules of
24 the [*Teacher Standards and Practices Commission*] **State Board of Educa-**
25 **tion.**

26 “(2) A professional teaching license, a continuing personnel service li-
27 cense or a continuing administrative license shall be issued on application
28 for five years to an otherwise qualified person who has:

29 “(a) Completed an advanced professional education program approved by
30 the [*commission*] **Teacher Standards and Practices Division of the De-**

1 **partment of Education;**

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

4 “(A) An Oregon public school;

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

7 “(C) Another educational setting approved by the [*commission*] **division**;
8 and

9 “(c) Demonstrated minimum competencies, knowledge and skills required
10 for the professional teaching license, continuing personnel service license or
11 continuing administrative license through an approved teacher education
12 institution, school district, professional organization identified in ORS
13 342.121, or professional assessment approved by the [*commission*] **division**.

14 “(3) The holder of a professional teaching license, continuing personnel
15 service license or continuing administrative license may renew the license
16 in accordance with the rules of the [*commission*] **board**.

17 “(4) A professional teaching license shall indicate that the holder has
18 taught for more than three and one-half years and is ready to take on ad-
19 vanced roles and responsibilities as a teacher, including mentoring, curric-
20 ulum development support, teacher preparation support and other
21 educational leadership.

22 **“SECTION 35.** ORS 342.140 is amended to read:

23 “342.140. (1) An administrative license shall qualify its holder to serve in
24 any administrative assignment for which the holder has completed the pro-
25 fessional requirements established by the rules of the [*Teacher Standards*
26 *and Practices Commission*] **State Board of Education**.

27 “(2) An administrative license shall be issued and renewed on application
28 to an otherwise qualified person who meets such requirements as to profes-
29 sional preparation and experience as the [*Teacher Standards and Practices*
30 *Commission*] **State Board of Education** may establish.

1 **“SECTION 36.** ORS 342.143 is amended to read:

2 “342.143. (1) [No] **A** teaching, personnel service or administrative license
3 may **not** be issued to any person until the person has attained the age of 18
4 years and has furnished satisfactory evidence of proper educational training.

5 “(2) The [*Teacher Standards and Practices Commission*] **State Board of**
6 **Education** may require an applicant for a teaching, personnel service or
7 administrative license or for registration as a public charter school teacher
8 or administrator to furnish evidence satisfactory to the [*commission*]
9 **Teacher Standards and Practices Division of the Department of Edu-**
10 **cation** of good moral character, mental and physical health, and such other
11 evidence as [*it*] **the board** may deem necessary to establish the applicant’s
12 fitness to serve as a teacher or administrator.

13 “(3) Without limiting the powers of the [*Teacher Standards and Practices*
14 *Commission*] **board or division** under subsection (2) of this section:

15 “(a) [No] **A** teaching, personnel service or administrative license or reg-
16 istration as a public charter school teacher or administrator may **not** be is-
17 sued to any person who:

18 “(A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185,
19 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411,
20 163.415, 163.425, 163.427, 163.432, 163.433, 163.435, 163.445, 163.465, 163.515,
21 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680
22 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415,
23 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075,
24 167.080, 167.090, 475.808, 475.810, 475.812, 475.818, 475.820, 475.822, 475.828,
25 475.830, 475.832, 475.848, 475.852, 475.858, 475.860, 475.862, 475.868, 475.872,
26 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

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

29 “(C) Has been convicted in another jurisdiction of a crime that is sub-
30 stantially equivalent, as defined by rule, to any of the crimes listed in sub-

1 paragraphs (A) and (B) of this paragraph.

2 “(D) Has had a teaching, personnel service or administrative license or
3 registration revoked in another jurisdiction for a reason that is substantially
4 equivalent, as defined by rule, to a reason described in ORS 342.175 and the
5 revocation is not subject to further appeal. A person whose privilege to apply
6 for a license or registration is denied under this subparagraph may apply for
7 reinstatement of the privilege as provided in ORS 342.175 (4).

8 “(b) The [*Teacher Standards and Practices Commission*] **division** may re-
9 fuse to issue a license or registration to any person who has been convicted
10 of a crime involving the illegal use, sale or possession of controlled sub-
11 stances.

12 “(4) In denying the issuance of a license or registration under this sec-
13 tion, the [*commission*] **division** shall follow the procedure set forth in ORS
14 342.176 and 342.177.

15 “(5) The [*Department of Education*] **division** shall provide school districts
16 and public charter schools a copy of the list contained in subsection (3) of
17 this section.

18 “**SECTION 37.** ORS 342.144 is amended to read:

19 “342.144. (1) As used in this section, ‘American Indian tribe’ means an
20 Indian tribe as that term is defined in ORS 97.740.

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

23 “(3) The [*Teacher Standards and Practices Commission*] **State Board of**
24 **Education** shall establish an American Indian languages teaching license.

25 “(4) Each American Indian tribe may develop a written and oral test that
26 must be successfully completed by an applicant for an American Indian lan-
27 guages teaching license in order to determine whether the applicant is
28 qualified to teach the tribe’s native language. When developing the test, the
29 tribe shall determine:

30 “(a) Which dialects will be used on the test;

1 “(b) Whether the tribe will standardize the tribe’s writing system; and

2 “(c) How the teaching methods will be evaluated in the classroom.

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

5 “(6) The [*commission*] **State Board of Education** may not require an
6 applicant to hold a specific academic degree, to complete a specific amount
7 of education or to complete a teacher education program to receive an
8 American Indian languages teaching license.

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

13 “(b) A holder of an American Indian languages teaching license who does
14 not also have a teaching license issued under ORS 342.125 may not teach in
15 a school district or education service district any subject other than the
16 American Indian language the holder of the license is approved to teach by
17 the tribe.

18 “(c) A holder of an American Indian languages teaching license who does
19 not also have a teaching license or registration issued under ORS 342.125
20 may not teach in a public charter school any subject other than the Ameri-
21 can Indian language the holder of the license is approved to teach by the
22 tribe.

23 “(8)(a) As used in this subsection, ‘technical assistance program’ means
24 a program provided to an American Indian languages teacher by a licensed
25 teacher with three or more years of teaching experience. A technical assist-
26 ance program may include direct classroom observation and consultation,
27 assistance in instructional planning and preparation, support in implemen-
28 tation and delivery of classroom instruction, and other assistance intended
29 to enhance the professional performance and development of the American
30 Indian languages teacher.

1 “(b) The holder of an American Indian languages teaching license who
2 does not also have an administrative license, teaching license or registration
3 issued under ORS 342.125 and who is employed by a school district, public
4 charter school or education service district shall participate in a technical
5 assistance program with a person holding a teaching license issued by the
6 [commission] **Teacher Standards and Practices Division of the Depart-**
7 **ment of Education** under ORS 342.125. The technical assistance program
8 shall meet the guidelines specified in ORS 329.815 (2) to (4).

9 “(9) An American Indian languages teaching license shall be valid for
10 three years and may be renewed upon application from the holder of the li-
11 cense.

12 “**SECTION 38.** ORS 342.147 is amended to read:

13 “342.147. (1) [*After considering recommendations of the State Board of*
14 *Education, the Teacher Standards and Practices Commission*] **The State**
15 **Board of Education** shall establish by rule standards for approval of
16 teacher education institutions and teacher education programs. Public
17 teacher education institutions shall be approved for programs of more than
18 four years’ duration only if teacher education programs which are reasonably
19 attainable in a four-year period are also available in the system of higher
20 education and are designed to culminate in a baccalaureate degree that
21 qualifies its graduates for entry-level teaching licenses.

22 “(2) The [commission] **State Board of Education** shall establish rules
23 that allow teacher education programs leading to graduate degrees to com-
24 mence prior to the student’s completion of baccalaureate degree requirements
25 and that allow the combined use of undergraduate and graduate level course
26 work in achieving program completion.

27 “(3) Whenever any teacher education institution or program is denied
28 approved status or has such status withdrawn, such denial or withdrawal
29 must be treated as a contested case within the meaning of ORS chapter 183.

30 “(4) Nothing in this section is intended to grant any authority to the

1 [commission] **State Board of Education** relating to granting degrees or es-
2 tablishing degree requirements that are within the authority of the State
3 Board of Higher Education or any of the public universities listed in ORS
4 352.002, or that are within the authority of the governing board of any pri-
5 vate institution of higher education.

6 **“SECTION 39.** ORS 342.153 is amended to read:

7 “342.153. (1) Any applicant for a teaching license to provide education to
8 students who are blind, as defined in ORS 343.565, shall be required to dem-
9 onstrate proficiency in reading and writing Braille, as defined in ORS
10 343.565.

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

14 “(3) The [*Teacher Standards and Practices Commission*] **State Board of**
15 **Education** shall adopt procedures to assess the proficiencies developed
16 through workshops and courses in grade I and grade II Braille that are
17 consistent with standards set by the National Library Service for the Blind
18 and Physically Handicapped at the Library of Congress.

19 **“SECTION 40.** ORS 342.156 is amended to read:

20 “342.156. A person teaching a distance learning course originating in
21 Oregon must:

22 “(1) Have a teaching license issued by the [*Teacher Standards and Prac-*
23 *tices Commission*] **Teacher Standards and Practices Division of the De-**
24 **partment of Education** with the appropriate subject matter endorsement;
25 or

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

29 **“SECTION 41.** ORS 342.165 is amended to read:

30 “342.165. (1) Pursuant to ORS chapter 183, the [*Teacher Standards and*

1 *Practices Commission*] **State Board of Education** shall adopt rules neces-
2 sary for the issuance, denial, continuation, renewal, lapse, revocation, sus-
3 pension or reinstatement of licenses or registrations issued under ORS
4 342.120 to 342.430. The [*commission*] **board** shall also adopt rules establishing
5 means in addition to those prescribed by law whereby teachers are able to
6 add additional endorsements to their teaching licenses.

7 “(2) In establishing rules, the [*commission*] **board** shall consider:

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

10 “(b) The capabilities of Oregon teacher education institutions to prepare
11 teachers;

12 “(c) The norms required for the teaching assignments;

13 “(d) The improvement of teaching;

14 “(e) The adequacy of the teacher supply;

15 “(f) The value of experience or nonacademic learning;

16 “(g) The responsibilities imposed upon school districts by geographic and
17 demographic conditions;

18 “(h) The recommendations of the [*State Board of Education and*] Super-
19 intendent of Public Instruction, **the Teacher Standards and Practices**
20 **Division of the Department of Education and the Teacher Standards**
21 **and Practices Board**; and

22 “(i) Other matters that tend to improve education.

23 **“SECTION 42.** ORS 342.173 is amended to read:

24 “342.173. (1) Any school district that employs any person not properly li-
25 censed by the [*Teacher Standards and Practices Commission*] **Teacher**
26 **Standards and Practices Division of the Department of Education** and
27 assigned in accordance with the terms specified by the person’s license shall
28 forfeit in State School Fund moneys due the district an amount determined
29 by the [*Teacher Standards and Practices Commission not to*] **division, which**
30 **may not** exceed the amount of the salary paid to the person for the time

1 during which the person is employed. The forfeiture is effective unless:

2 “(a) The assignments are made with justification satisfactory to the
3 [*Teacher Standards and Practices Commission*] **division**.

4 “(b) The teacher is employed by a post-secondary institution that is ac-
5 credited by the Northwest Commission on Colleges and Universities or its
6 successor, and that has a contract with a school district under which the
7 teacher is teaching at the high school level. The contract shall be approved
8 annually by the State Board of Education under rules adopted by the board,
9 including criteria for a teacher’s qualifications under subparagraph (C) of
10 this paragraph. The contract shall:

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

14 “(B) Be approved annually by the governing boards of the post-secondary
15 institution and the school district including a written determination that
16 appropriately licensed personnel have not become available since the previ-
17 ous contract for the assignment;

18 “(C) Provide evidence that the teacher’s qualifications are appropriate for
19 the assignment;

20 “(D) Allow the teacher to teach no more than two high school units of
21 credit or the equivalent per year; and

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

23 “(c) The person is teaching a live, interactive distance learning course
24 originating outside the state.

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

30 “(3) Notwithstanding subsections (1) and (2) of this section, a school dis-

1 trict employing unlicensed staff members in positions requiring licensed
2 personnel during the time of a labor dispute shall forfeit in State School
3 Fund moneys an amount equal to the daily salary rate multiplied by the
4 number of teaching days for each unlicensed teaching employee during the
5 entire labor dispute.

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

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

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

24 “(7) Subject to any applicable collective bargaining agreement, an educa-
25 tion service district required to pay any penalty under subsection (6) of this
26 section is entitled to recover one-half of the amounts paid from the licensed
27 personnel whose unlicensed status caused the payment. Recovery may not
28 exceed one-half of the amount paid that is attributable to the licensed per-
29 son.

30 “(8) The [*Teacher Standards and Practices Commission*] **division** shall

1 notify districts of the licensing expiration dates of their employees who are
2 reported to the [commission] **division**. The reporting shall be done in a
3 manner specified by the [commission] **State Board of Education**.

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

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

15 **“SECTION 43.** ORS 342.175 is amended to read:

16 “342.175. (1) The [*Teacher Standards and Practices Commission*] **Teacher**
17 **Standards and Practices Division of the Department of Education** may
18 suspend or revoke the license or registration of a teacher or administrator,
19 discipline a teacher or administrator or suspend or revoke the right of any
20 person to apply for a license or registration if the licensee, registrant or
21 applicant has held a license or registration at any time within five years
22 prior to issuance of the notice of charges under ORS 342.176 based on the
23 following:

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

25 “(b) Gross neglect of duty;

26 “(c) Any gross unfitness;

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

30 “(e) Any false statement knowingly made in an application for issuance,

1 renewal or reinstatement of a license or registration; or

2 “(f) Failure to comply with any condition of reinstatement under sub-
3 section (4) of this section or any condition of probation under ORS 342.177
4 (3)(b).

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

9 “(a) Conviction of a crime listed in ORS 342.143 (3) or a crime described
10 by the [commission] **State Board of Education** by rule;

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

14 “(c) Any conduct that may cause the [commission] **division** to suspend or
15 revoke the license or registration of a teacher.

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

20 “(4) Except for convictions for crimes listed in ORS 342.143 (3) and subject
21 to subsection (5) of this section, any person whose license or registration has
22 been suspended or revoked or whose privilege to apply for a license or reg-
23 istration has been revoked may apply to the [commission] **division** for rein-
24 statement of the license or registration after one year from the date of the
25 suspension or revocation. The [commission] **division** may require an appli-
26 cant for reinstatement to furnish evidence satisfactory to the [commission]
27 **division** of good moral character, mental and physical health and such other
28 evidence as the [commission] **division** may consider necessary to establish
29 the applicant’s fitness. The [commission] **division** may impose a probationary
30 period and such conditions as it considers necessary upon approving an ap-

1 plication for reinstatement.

2 “(5) The [*commission*] **division** shall reconsider immediately a license or
3 registration suspension or revocation or the situation of a person whose
4 privilege to apply for a license or registration has been revoked, upon ap-
5 plication therefor, when the license or registration suspension or revocation
6 or the privilege revocation is based on a criminal conviction that is reversed
7 on appeal.

8 “(6) Violation of rules adopted by the [*commission*] **State Board of Ed-**
9 **ucation** relating to competent and ethical performance of professional duties
10 shall be admissible as evidence of gross neglect of duty or gross unfitness.

11 “(7) A copy of the record of conviction, certified to by the clerk of the
12 court entering the conviction, shall be conclusive evidence of a conviction
13 described in this section.

14 “**SECTION 44.** ORS 342.176 is amended to read:

15 “342.176. (1) The Teacher Standards and Practices [*Commission*] **Board**
16 shall promptly undertake an investigation upon receipt of a complaint or
17 information that may constitute grounds for:

18 “(a) Refusal to issue a license or registration, as provided under ORS
19 342.143;

20 “(b) Suspension or revocation of a license or registration, discipline of a
21 person holding a license or registration, or suspension or revocation of the
22 right to apply for a license or registration, as provided under ORS 342.175;
23 or

24 “(c) Discipline for failure to provide appropriate notice prior to resigna-
25 tion, as provided under ORS 342.553.

26 “(2) The [*commission*] **board** may appoint an investigator and shall fur-
27 nish the investigator with appropriate professional and other special assist-
28 ance reasonably required to conduct the investigation, and the investigator
29 is empowered to subpoena witnesses over the signature of the executive di-
30 rector **of the Teacher Standards and Practices Board**, swear witnesses

1 and compel obedience in the same manner as provided under ORS 183.440 (2).

2 “(3) Following completion of the investigation, the [*executive director*]
3 **board** shall report in writing any findings and recommendations to:

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

6 “**(a) The Teacher Standards and Practices Division of the Depart-**
7 **ment of Education; and**

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

9 “(4)(a) Except as provided in paragraph (b) of this subsection, the docu-
10 ments and materials used in the investigation and the report of the [*executive*
11 *director*] **board** are confidential and not subject to public inspection unless
12 the [*commission*] **division** makes a final determination to:

13 “(A) Refuse to issue a license or registration, as provided under ORS
14 342.143;

15 “(B) Suspend or revoke a license or registration, discipline a person
16 holding a license or registration, or suspend or revoke the right to apply for
17 a license or registration, as provided under ORS 342.175; or

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

20 “(b) Records made available to the [*commission*] **board** under ORS
21 419B.035 (1)(h) shall be kept confidential.

22 “(5) If the [*commission*] **board** finds [*from*] **in** the report that there is
23 sufficient cause to justify holding a hearing under ORS 342.177, [*it*] **the**
24 **board** shall notify in writing:

25 “(a) The person charged, enclosing a statement of the charges and a no-
26 tice of opportunity for hearing;

27 “(b) The complainant; [*and*]

28 “**(c) The division; and**

29 “[*(c)*] **(d)** The employing district or public charter school, if any.

30 “(6) If the [*commission*] **board** finds [*from*] **in** the report that there is not

1 sufficient cause to justify holding a hearing under ORS 342.177, *[it]* **the**
2 **board** shall notify in writing:

3 “(a) The person charged;

4 “(b) The complainant; *[and]*

5 “(c) **The division; and**

6 “[*(c)*] (d) The employing district or public charter school, if any.

7 “(7) Notwithstanding ORS 192.660 (6), the *[commission]* **board and divi-**
8 **sion** may make *[its]* findings under this section in executive session. How-
9 ever, the provisions of ORS 192.660 (4) apply to the sessions.

10 “**SECTION 45.** ORS 342.177 is amended to read:

11 “342.177. (1)(a) Hearings under ORS 342.176 shall be conducted by an ad-
12 ministrative law judge assigned from the Office of Administrative Hearings
13 established under ORS 183.605.

14 “(b) Any hearing conducted under this subsection shall be private unless
15 the person against whom the charge is made requests a public hearing. Stu-
16 dents attending school in the employing district may not attend any hearing
17 except as witnesses duly subpoenaed to testify with respect to the charges
18 made. Students attending a public charter school that employs the person
19 may not attend any hearing except as witnesses duly subpoenaed to testify
20 with respect to the charges made. The person against whom the charge is
21 made shall have the right to be represented by counsel and to present evi-
22 dence and argument. The evidence must be confined to the charges.

23 “(2) The *[Teacher Standards and Practices Commission]* **executive direc-**
24 **tor of the Teacher Standards and Practices Board** or the person charged
25 may have subpoenas issued to compel attendance at the hearing. The person
26 charged may have subpoenas issued by an attorney of record subscribed by
27 the signature of the attorney or by the executive director. Witnesses ap-
28 pearing pursuant to subpoena, other than the parties or officers or employees
29 of the *[commission]* **Teacher Standards and Practices Division of the**
30 **Department of Education**, shall receive fees and mileage as prescribed by

1 law for witnesses in ORS 44.415 (2). The [commission] **executive director**
2 or the person charged shall have the right to compel the attendance and
3 obedience of witnesses in the same manner as provided under ORS 183.440
4 (2).

5 “(3) The [commission] **Teacher Standards and Practices Board** shall
6 render [its decision at its next regular meeting following] **a decision within**
7 **60 days after** the hearing. If the decision of the [commission] **board** is that
8 the charge described in ORS 342.175 (1) has been proven, the [commission
9 may] **board may recommend that the division** take any or all of the fol-
10 lowing disciplinary [action] **actions** against the person charged:

11 “(a) Issue a public reprimand.

12 “(b) Place the person on probation for a period not to exceed four years
13 and subject to such conditions as the [commission] **board** considers neces-
14 sary.

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

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

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

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

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

24 “**SECTION 46.** ORS 342.180 is amended to read:

25 “342.180. (1) Any person whose license or registration has been suspended
26 or revoked or who has been disciplined, or who has been refused issuance
27 or reinstatement of a license or registration, and is aggrieved at the decision
28 of the [Teacher Standards and Practices Commission] **Teacher Standards**
29 **and Practices Division of the Department of Education**, may appeal in
30 the manner provided in ORS 183.480.

1 “(2) If [*the Superintendent of Public Instruction,*] the district school board
2 or the public charter school employing the teacher or administrator is
3 aggrieved at the decision of [*the commission, the superintendent*] **the**
4 **division**, the **school** board or the school may appeal [*from*] the decision in
5 the manner provided in ORS 183.480.

6 “(3) Unless the decision of the [*commission*] **division** is accompanied by
7 a finding that immediate suspension or revocation of the teaching license or
8 registration is necessary to protect the safety and well-being of students, an
9 appeal made under this section in a proceeding to suspend or revoke shall
10 operate as a stay of the suspension or revocation, if any, until the determi-
11 nation of the appeal.

12 **“SECTION 47.** ORS 342.183 is amended to read:

13 “342.183. (1) The [*Teacher Standards and Practices Commission*] **Teacher**
14 **Standards and Practices Division of the Department of Education** may
15 issue a letter of informal reproof to a person licensed, registered or certified
16 by the [*commission*] **division** if:

17 “(a) Following the completion of an investigation, the [*commission*]
18 **Teacher Standards and Practices Board** determines that the person has
19 engaged in conduct that affects the person’s ability to be professionally ef-
20 fective, based on standards adopted by the [*commission*] **State Board of**
21 **Education** by rule; and

22 “(b) Subject to subsection (5) of this section, the [*commission*] **division**
23 agrees not to pursue disciplinary action against the person under ORS
24 342.175 and the person agrees to the terms of the letter of informal reproof,
25 including a monitoring period.

26 “(2) A letter of informal reproof issued as provided by subsection (1) of
27 this section shall establish the terms of a monitoring period for the person
28 to whom the letter is issued.

29 “(3) Upon the issuance of a letter of informal reproof, the [*commission*]
30 **division** shall notify the employer of the person to whom the letter is issued,

1 including any terms of the letter that the employer may need to know to
2 assist the person in complying with the terms of the letter.

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

5 “(a) Is confidential; and

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

9 “(5) If a person fails to comply with the terms of a letter of informal re-
10 proval, the [commission] **division** may take disciplinary action against the
11 person based on one or both of the following:

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

13 “(b) The failure to comply with the terms of the letter of informal re-
14 proval.

15 “(6) If the [executive director of the commission] **Teacher Standards and**
16 **Practices Board** determines that a person failed to meet the terms of a
17 letter of informal reproof, the [executive director] **board** shall report the
18 failure to the [commission] **division** for the [commission] **division** to make
19 a final determination pursuant to ORS 342.176.

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

24 “**SECTION 48.** ORS 342.192 is amended to read:

25 “342.192. (1) Except as provided in [subsection (4) of] this section, the
26 [Teacher Standards and Practices Commission] **Teacher Standards and**
27 **Practices Division of the Department of Education** shall not issue a li-
28 cense to an out-of-state applicant unless the applicant has met the profes-
29 sional requirements established by rule by the [commission] **State Board of**
30 **Education** and has completed a course of study substantially similar to that

1 required for an in-state applicant.

2 “(2) [*Notwithstanding subsection (1) of this section,*] If the [*commission es-*
3 *tablishes*] **division determines** that the position or positions to be filled are
4 in a geographic or subject matter area in which there [*are*] **is** an insufficient
5 number of in-state applicants, the [*commission*] **division** may issue a license
6 to an out-of-state applicant who has completed a course of study approved
7 by the [*commission*] **division**.

8 “(3) [*In*] **For** situations described in subsection (2) of this section, the
9 [*commission*] **State Board of Education** shall adopt by rule standards pro-
10 viding for equal treatment for graduates of approved Oregon colleges and
11 universities.

12 “(4) [*Notwithstanding subsection (1) of this section,*] The [*commission*] **di-**
13 **vision** may enter into a reciprocal agreement with the appropriate official
14 of any other state for licensure of applicants from the state if the [*commis-*
15 *sion*] **division** determines that the standards and requirements for certifica-
16 tion or licensure in that state are substantially similar to the standards and
17 requirements for licensure under applicable statutes of this state and rules
18 of the [*commission*] **State Board of Education**.

19 “(5) Teachers granted licenses under [*subsections (2), (3) and (4) of*] this
20 section shall be required to meet all standards required of Oregon teachers,
21 including the requirements of ORS 342.123, not later than three years fol-
22 lowing the date of initial granting of the license.

23 “**SECTION 49.** ORS 342.195 is amended to read:

24 “342.195. (1) An otherwise qualified applicant for an initial or basic
25 teaching license shall be granted the license upon payment of the required
26 fees and the showing by proof satisfactory to the [*Teacher Standards and*
27 *Practices Commission*] **Teacher Standards and Practices Division of the**
28 **Department of Education** that:

29 “(a) While the applicant was in the Peace Corps program or was a vol-
30 unteer under section 603 of the Economic Opportunity Act of 1964 (Public

1 Law 88-452), the applicant:

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

5 “(B)(i) Has completed an approved teacher education program; or

6 “(ii) Has earned at least a baccalaureate degree from an accredited insti-
7 tution of higher education and has completed a teacher training program
8 provided under the auspices of the federal program; or

9 “(b) The applicant was a certified instructor for the Armed Forces of the
10 United States, if the applicant provides the [commission] **division** with doc-
11 umentation of military training or experience that the [commission] **division**
12 determines is substantially equivalent to the training required for an initial
13 or basic teaching license.

14 “(2)(a) The [commission] **State Board of Education** shall establish by
15 rule an expedited process by which a military spouse or domestic partner
16 who is licensed to teach in another state may apply for and obtain a teaching
17 license.

18 “(b) As used in this subsection, ‘military spouse or domestic partner’
19 means a spouse or domestic partner of an active member of the Armed Forces
20 of the United States who is the subject of a military transfer to Oregon.

21 **“SECTION 50.** ORS 342.197 is amended to read:

22 “342.197. The requirements of ORS 342.135 (3)(a), 342.136 and 342.138 may
23 be met by teaching experience in:

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

25 “(2) A private school that meets standards adopted by the [*Teacher Stan-*
26 *dards and Practices Commission*] **State Board of Education** by rule.

27 **“SECTION 51.** ORS 342.200 is amended to read:

28 “342.200. (1) In order to allow the school districts of the state to take full
29 advantage of various professional skills and disciplines not directly devel-
30 oped through teaching experience or professional education for which

1 teaching experience is a prerequisite, it is the public policy of the State of
2 Oregon that the [*Teacher Standards and Practices Commission*] **State Board**
3 **of Education**, in establishing professional requirements and experience un-
4 der ORS 342.140, shall **require the Teacher Standards and Practices Di-**
5 **vision of the Department of Education to** consider professional skills,
6 education and experience not directly related to, nor contingent upon,
7 teaching experience or training as a classroom teacher.

8 “(2) The [*commission*] **State Board of Education** shall establish and
9 prescribe the requirements for an optional advanced leadership endorsement
10 for licensed public school administrators who engage in mentoring, profes-
11 sional support for new teachers or administrators, outstanding instructional
12 leadership and demonstrated school improvement.

13 **“SECTION 52.** ORS 342.202 is amended to read:

14 “342.202. (1) The **Teacher Standards and Practices Division of the**
15 Department of Education[, *in partnership with the Teacher Standards and*
16 *Practices Commission,*] shall create a comprehensive leadership development
17 system for administrators licensed under ORS 342.125.

18 “(2) The comprehensive leadership development system must include:

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

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

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

24 “(C) Recruit underrepresented persons into the field of public school
25 leadership; and

26 “(D) Strengthen the capacity of administrators to improve education in
27 public schools in this state;

28 “(b) A plan for collaboration and continuous improvement among admin-
29 istrator preparation programs approved by the [*Teacher Standards and*
30 *Practices Commission*] **division** to support performance-based assessments for

1 administrators and candidates for administrative licensure;

2 “(c) A plan for recruitment of underrepresented persons into administra-
3 tor leadership programs;

4 “(d) The improvement of access to high quality preparation and profes-
5 sional development for administrators working in rural school districts;

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

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

11 **“SECTION 53.** ORS 342.203 is amended to read:

12 “342.203. (1) Annually not later than March 1, the [*Teacher Standards and*
13 *Practices Commission*] **Teacher Standards and Practices Division of the**
14 **Department of Education** shall cause to be circulated among all of the
15 common and union high school districts and education service districts in
16 this state a list of:

17 “(a) All teachers and administrators whose teaching or administrative li-
18 censes have been suspended or revoked or who have been reprimanded or
19 placed on probation during the preceding 12 months.

20 “(b) All students at approved teacher education institutions or programs
21 under ORS 342.147 whose right to apply for a license or registration has been
22 suspended or revoked during the preceding 12 months.

23 “(2) If the decision of the [*commission*] **division** is appealed under ORS
24 342.180, the name of the teacher, administrator or student shall not be placed
25 on the list authorized by subsection (1) of this section unless and until such
26 decision has been sustained by the Court of Appeals or until the appeal has
27 been dropped.

28 **“SECTION 54.** ORS 342.223 is amended to read:

29 “342.223. (1) For the purpose of requesting a state or nationwide criminal
30 records check under ORS 181.534, the [*Teacher Standards and Practices*

1 *Commission*] **Teacher Standards and Practices Division of the Depart-**
2 **ment of Education** may require the fingerprints of:

3 “(a) A person who is applying for initial issuance of a license under ORS
4 342.120 to 342.430 as a teacher, administrator or personnel specialist if the
5 person has not submitted to a criminal records check by the [*commission*]
6 **division** within the previous year.

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

10 “(c) A person who is applying for initial issuance of a certificate under
11 ORS 342.475 as a school nurse.

12 “(d) A person who is registering with the [*commission*] **division** for stu-
13 dent teaching, practicum or internship as a teacher, administrator or per-
14 sonnel specialist, if the person has not submitted to a criminal records check
15 by the [*commission*] **division** within the previous three years for student
16 teaching, practicum or internship as a teacher, administrator or personnel
17 specialist.

18 “(e) A person who is applying for initial issuance of a registration as a
19 public charter school teacher or administrator under ORS 342.125.

20 “(2) The making of any false statement as to the conviction of a crime is
21 grounds for refusal to issue, renew or reinstate a license, certificate or reg-
22 istration and is in addition to the grounds stated in ORS 342.143.

23 “(3) A person may appeal the refusal to issue an initial license, certificate
24 or registration under this section as a contested case under ORS 183.413 to
25 183.470, but the refusal to renew or reinstate a license or registration is
26 subject to ORS 342.175 to 342.180, and the [*commission*] **division** shall notify
27 the person of the right to appeal.

28 “**SECTION 55.** ORS 342.227 is amended to read:

29 “342.227. The [*Teacher Standards and Practices Commission*] **Teacher**
30 **Standards and Practices Division of the Department of Education** may

1 issue to an individual a temporary license or certificate as a teacher, ad-
2 ministrator, personnel specialist or school nurse pending the return of the
3 criminal records check by the Federal Bureau of Investigation.

4 **“SECTION 56.** ORS 342.360 is amended to read:

5 “342.360. (1) The membership of the Teacher Standards and Practices
6 [*Commission*] **Board** shall consist of:

7 “(a) Four elementary teachers;

8 “(b) Four junior or senior high school teachers;

9 “(c) One elementary school administrator;

10 “(d) One junior or senior high school administrator;

11 “(e) One superintendent of city schools;

12 “(f) One county superintendent or a superintendent employed by an edu-
13 cation service district board;

14 “(g) One member from the faculty of an approved private teacher educa-
15 tion institution in Oregon;

16 “(h) One member from the faculty of a public university listed in ORS
17 352.002;

18 “(i) One member who is also a member of a district school board; and

19 “(j) Two members of the general public.

20 “(2) Except for those members appointed under subsection (1)(i) and (j)
21 of this section, members must have been actively engaged in teaching,
22 supervising or administering in the public schools or in approved teacher
23 education institutions in Oregon for the period of five years immediately
24 preceding appointment. Acting as an elected representative of teachers,
25 supervisors or administrators shall be considered teaching, supervising or
26 administering for the purposes of the five-year experience requirement. In
27 addition, members appointed under subsection (1)(a) to (f) of this section
28 must hold valid Oregon teaching or administrative licenses other than re-
29 stricted teaching or administrative licenses.

30 “(3)(a) Throughout the term for which appointed, one of the members ap-

1 pointed under subsection (1)(a) to (j) of this section must hold a teaching
2 license with an endorsement in some aspect of special education or have
3 demonstrated knowledge or experience in special education.

4 “(b) As used in this subsection, ‘special education’ means specially de-
5 signed education to meet the goals of the individualized education program
6 of a child with a disability including regular classroom instruction, instruc-
7 tion in physical education, home instruction, related services and instruction
8 in hospitals, institutions and special schools.

9 **“SECTION 57.** ORS 342.390 is amended to read:

10 “342.390. (1) The Teacher Standards and Practices [*Commission*] **Board**
11 shall meet at least once every six months at a place, day and hour deter-
12 mined by the [*commission*] **board**. The [*commission*] **board** shall also meet
13 at such other times and places as are specified by the call of the
14 [*chairperson*] **executive director of the Teacher Standards and Practices**
15 **Board** or of a majority of the members of the [*commission*] **board**.

16 “(2) A member of the [*commission*] **board** who is employed at a public
17 school or by a private teacher education institution or by a public university
18 listed in ORS 352.002 shall receive no compensation for services as a
19 member[;], but, subject to any other applicable law regulating travel and
20 other expenses for state officers, the member shall receive actual and neces-
21 sary travel and other expenses incurred in the performance of official duties
22 as provided by ORS 292.495 (2).

23 “(3) A member of the [*commission*] **board** who serves on the
24 [*commission*] **board** in the capacity of a district school board member or as
25 a member of the general public shall be entitled to compensation and ex-
26 penses as provided in ORS 292.495 (1) and (2).

27 “(4) **A majority of the board constitutes a quorum for the trans-**
28 **action of business.**

29 **“SECTION 58.** ORS 342.410 is amended to read:

30 “342.410. The [*Teacher Standards and Practices Commission*] **Super-**

1 **intendent of Public Instruction** shall appoint a qualified person as execu-
2 tive director **of the Teacher Standards and Practices Board** [*and may,*
3 *subject to the State Personnel Relations Law, employ persons to provide such*
4 *service as the commission shall require*]. **The superintendent shall specify**
5 **the power and duties necessary for the executive director to perform**
6 **the functions of the position.**

7 **“SECTION 59.** ORS 342.420 is amended to read:

8 “342.420. (1) Membership on the Teacher Standards and Practices [*Com-*
9 *mission*] **Board** shall not affect a member’s compensation from the employer
10 of the member or any other benefits to which the member is entitled.

11 “(2) A school district required to employ a substitute for a teacher or
12 administrator who is absent from employment while performing duties as a
13 member of the Teacher Standards and Practices [*Commission*] **Board** shall
14 be entitled to reimbursement for the district’s actual expenses in employing
15 the substitute. Reimbursement for the expense of employing such substitutes
16 shall be made by the [*commission*] **Teacher Standards and Practices Di-**
17 **vision of the Department of Education** from the [*Teacher Standards and*
18 *Practices Commission Account*] **Educator Licensure Account.**

19 **“SECTION 60.** ORS 342.430 is amended to read:

20 “342.430. On or before the 10th day of each month, the [*Teacher Standards*
21 *and Practices Commission*] **Teacher Standards and Practices Division of**
22 **the Department of Education** shall pay into the State Treasury all moneys
23 received under this chapter during the preceding calendar month. The State
24 Treasurer shall credit the moneys to the [*Teacher Standards and Practices*
25 *Commission Account*] **Educator Licensure Account.** The moneys in the
26 [*Teacher Standards and Practices Commission Account*] **Educator Licensure**
27 **Account** are continuously appropriated to the [*commission*] **division** for the
28 purpose of paying its administrative expenses **under this chapter.**

29 **“SECTION 61.** ORS 342.443 is amended to read:

30 “342.443. (1) The Oregon Education Investment Board shall report

1 biennially to the Legislative Assembly longitudinal data on the number and
2 percentage of:

3 “(a) Minority students enrolled in community colleges;

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

6 “(c) Minority students accepted in public universities;

7 “(d) Minority students graduated from public universities;

8 “(e) Minority candidates seeking to enter public teacher education pro-
9 grams in this state;

10 “(f) Minority candidates admitted to public teacher education programs;

11 “(g) Minority candidates who have completed approved public teacher
12 education programs;

13 “(h) Minority candidates receiving Oregon teaching licenses based on
14 preparation in this state and preparation in other states;

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

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

18 “(2) The board also shall report comparisons of minorities’ and
19 nonminorities’ scores on basic skills, pedagogy and subject matter tests.

20 “(3) The Oregon University System, the public universities with governing
21 boards listed in ORS 352.054, the Department of Education, [*the Teacher*
22 *Standards and Practices Commission,*] community colleges and school dis-
23 tricts shall cooperate with the board in collecting data and preparing the
24 report.

25 **“SECTION 62.** ORS 342.443, as amended by section 5, chapter 778, Oregon
26 Laws 2013, is amended to read:

27 “342.443. (1) The Education and Workforce Policy Advisor shall report
28 biennially to the Legislative Assembly longitudinal data on the number and
29 percentage of:

30 “(a) Minority students enrolled in community colleges;

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

3 “(c) Minority students accepted in public universities;

4 “(d) Minority students graduated from public universities;

5 “(e) Minority candidates seeking to enter public teacher education pro-
6 grams in this state;

7 “(f) Minority candidates admitted to public teacher education programs;

8 “(g) Minority candidates who have completed approved public teacher
9 education programs;

10 “(h) Minority candidates receiving Oregon teaching licenses based on
11 preparation in this state and preparation in other states;

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

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

15 “(2) The advisor also shall report comparisons of minorities’ and
16 nonminorities’ scores on basic skills, pedagogy and subject matter tests.

17 “(3) The Oregon University System, the public universities with governing
18 boards listed in ORS 352.054, the Department of Education, [*the Teacher*
19 *Standards and Practices Commission*,] community colleges and school dis-
20 tricts shall cooperate with the advisor in collecting data and preparing the
21 report.

22 “**SECTION 63.** ORS 342.455 is amended to read:

23 “342.455. ‘School nurse’ as used in ORS 342.465 and 342.475, means a reg-
24 istered nurse who is certified by the [*Teacher Standards and Practices Com-*
25 *mission*] **Teacher Standards and Practices Division of the Department**
26 **of Education** as qualified to conduct and coordinate the health services
27 programs of a school.

28 “**SECTION 64.** ORS 342.465 is amended to read:

29 “342.465. (1) The [*Teacher Standards and Practices Commission*] **State**
30 **Board of Education** shall adopt by rule standards necessary for the issu-

1 ance, denial, continuation, renewal, lapse or reinstatement of certificates is-
2 sued under ORS 342.475 (1) to (3) and for establishment and collection of fees
3 for certification as a school nurse. The [*commission*] **State Board of Edu-**
4 **cation** may adopt by rule procedures for revocation of a certificate issued
5 under ORS 342.475 (1) to (3) that are consistent with ORS 342.175 to 342.190.

6 “(2) The Oregon State Board of Nursing shall notify the [*commission*]
7 **Teacher Standards and Practices Division of the Department of Edu-**
8 **cation** whenever the [*board*] **Oregon State Board of Nursing** takes any
9 action on a license issued under ORS chapter 678 [*which*] **that** might affect
10 the ability of the license holder to practice as a school nurse.

11 **“SECTION 65.** ORS 342.475 is amended to read:

12 “342.475. (1) ‘School nurse’ is established as a category of specialization
13 in nursing.

14 “(2) The [*Teacher Standards and Practices Commission*] **Teacher Stan-**
15 **dards and Practices Division of the Department of Education** shall issue
16 a certificate as a school nurse to a person who complies with the rules es-
17 tablished by the [*commission*] **State Board of Education** for the certifica-
18 tion and practice of school nursing or who has been certified by the Oregon
19 State Board of Nursing as a school nurse practitioner. In establishing rules
20 for the certification and practice of any specialization of school nursing, the
21 [*commission*] **State Board of Education** shall consider the recommendations
22 of the Oregon State Board of Nursing.

23 “(3) The [*commission*] **division** may issue an emergency certificate that
24 authorizes a person licensed as a registered nurse in this state who does not
25 meet the requirements of subsection (2) of this section to practice as a school
26 nurse. Such certificates shall be issued for a limited time as set by the
27 [*commission*] **State Board of Education.**

28 “(4) Notwithstanding subsections (1) to (3) of this section, the
29 [*commission*] **division** shall issue a certificate in a school nurse specializa-
30 tion category to a registered nurse who applies for certification and who is

1 employed by a school, school district or education service district to conduct
2 and coordinate a school or district health services program or who serves in
3 such a capacity on a voluntary basis on November 1, 1981. A certificate is-
4 sued under this subsection shall be issued without further proof of quali-
5 fication by the applicant.

6 “(5) A certificate issued under this section is not a teaching license. The
7 nurse holding a certificate issued under this section is not subject to ORS
8 238.280 or 342.805 to 342.937.

9 **“SECTION 66.** ORS 342.485 is amended to read:

10 “342.485. The [*Teacher Standards and Practices Commission*] **Teacher**
11 **Standards and Practices Division of the Department of Education** shall
12 consult with and advise the Oregon State Board of Nursing on the quali-
13 fications and practices involved in school nursing.

14 **“SECTION 67.** ORS 342.553 is amended to read:

15 “342.553. (1) Upon notice from a district school board of the resignation
16 of a person who is licensed by or registered with the [*Teacher Standards and*
17 *Practices Commission*] **Teacher Standards and Practices Division of the**
18 **Department of Education**, the [*commission*] **division** may discipline the
19 person if the person entered into a written contract to work in a public
20 school and resigned the position without first providing 60 days’ written
21 notice, or the notice required in the applicable collective bargaining agree-
22 ment, to the district superintendent or the school board.

23 “(2) In disciplining a person as provided under this section, the [*commis-*
24 *sion*] **division** shall follow the procedure set forth in ORS 342.175 (4), 342.176
25 and 342.177.

26 **“SECTION 68.** ORS 342.856 is amended to read:

27 “342.856. (1) The State Board of Education[, *in consultation with the*
28 *Teacher Standards and Practices Commission,*] shall adopt core teaching
29 standards to improve student academic growth and learning by:

30 “(a) Assisting school districts in determining the effectiveness of teachers

1 and administrators and in making human resource decisions; and

2 “(b) Improving the professional development and the classroom and ad-
3 ministrative practices of teachers and administrators.

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

5 “(a) Take into consideration multiple measures of teacher effectiveness,
6 based on widely accepted standards of teaching that encompass a range of
7 appropriate teaching behaviors and that use multiple evaluation methods;

8 “(b) Take into consideration evidence of student academic growth and
9 learning based on multiple measures of student progress, including perform-
10 ance data of students, schools and school districts;

11 “(c) Be research-based;

12 “(d) Be separately developed for teachers and administrators; and

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

15 “(3) The core teaching standards adopted under this section must attempt
16 to:

17 “(a) Strengthen the knowledge, skills, disposition and classroom and ad-
18 ministrative practices of teachers and administrators in public schools;

19 “(b) Refine the support, assistance and professional growth opportunities
20 offered to a teacher or an administrator, based on the individual needs of the
21 teacher or administrator and the needs of the students, the school and the
22 school district of the teacher or administrator;

23 “(c) Allow each teacher or administrator to establish a set of classroom
24 or administrative practices and student learning objectives that are based
25 on the individual circumstances of the teacher or administrator, including
26 the classroom or other assignments of the teacher or administrator;

27 “(d) Establish a formative growth process for each teacher and adminis-
28 trator that supports professional learning and collaboration with other
29 teachers and administrators; and

30 “(e) Use evaluation methods and professional development, support and

1 other activities that are based on curricular standards and that are targeted
2 to the needs of each teacher and administrator.

3 “(4) A school district board must include the core teaching standards
4 adopted under this section for all evaluations of teachers and administrators
5 of the school district. The standards shall be customized based on the
6 collaborative efforts of the teachers and administrators of the school district
7 and the exclusive bargaining representative of the employees of the school
8 district.

9 **“SECTION 69.** ORS 342.971 is amended to read:

10 “342.971. (1) There is created the Educator Preparation Improvement
11 Fund, separate and distinct from the General Fund. Interest earned on
12 moneys in the Educator Preparation Improvement Fund shall be credited to
13 the fund.

14 “(2) The [*Teacher Standards and Practices Commission*] **Teacher Stan-**
15 **dards and Practices Division of the Department of Education** may ac-
16 cept from any source any grant, donation or gift of money or other valuable
17 thing made to the [*commission*] **division** for purposes of the Educator Prep-
18 aration Improvement Fund.

19 “(3) Moneys credited to the Educator Preparation Improvement Fund are
20 continuously appropriated to the [*commission*] **division** for the purposes set
21 forth in subsection (4) of this section. The [*commission*] **division** may draw
22 checks or orders upon the State Treasurer in making disbursements from the
23 Educator Preparation Improvement Fund for the purposes set forth in sub-
24 section (4) of this section.

25 “(4) The purpose of the Educator Preparation Improvement Fund is to
26 encourage approved teacher education programs and school district partner-
27 ships that:

28 “(a) Respond to changes in education of students in preprimary programs
29 and grades 1 through 12;

30 “(b) Encourage collaboration around delivery models that provide effec-

1 tive professional preparation;

2 “(c) Recognize the needs of the education workforce in this state, includ-
3 ing but not limited to recruiting underrepresented persons, teachers and ad-
4 ministrators to work in high needs areas such as special education,
5 mathematics, science and teaching English to speakers of other languages;

6 “(d) Encourage collaborative initiatives that improve student success and
7 postsecondary access and achievement; and

8 “(e) Respond to the need for national accreditation of approved teacher
9 education programs in this state.

10 **“SECTION 70.** ORS 419B.005 is amended to read:

11 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
12 quires otherwise:

13 “(1)(a) ‘Abuse’ means:

14 “(A) Any assault, as defined in ORS chapter 163, of a child and any
15 physical injury to a child which has been caused by other than accidental
16 means, including any injury which appears to be at variance with the ex-
17 planation given of the injury.

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

22 “(C) Rape of a child, which includes but is not limited to rape, sodomy,
23 unlawful sexual penetration and incest, as those acts are described in ORS
24 chapter 163.

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

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

27 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
28 chapter 163, and any other conduct which allows, employs, authorizes, per-
29 mits, induces or encourages a child to engage in the performing for people
30 to observe or the photographing, filming, tape recording or other exhibition

1 which, in whole or in part, depicts sexual conduct or contact, as defined in
2 ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving
3 a child or rape of a child, but not including any conduct which is part of
4 any investigation conducted pursuant to ORS 419B.020 or which is designed
5 to serve educational or other legitimate purposes; and

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

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

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

15 “(H) Buying or selling a person under 18 years of age as described in ORS
16 163.537.

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

19 “(J) Unlawful exposure to a controlled substance, as defined in ORS
20 475.005, that subjects a child to a substantial risk of harm to the child’s
21 health or safety.

22 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline
23 results in one of the conditions described in paragraph (a) of this subsection.

24 “(2) ‘Child’ means an unmarried person who is under 18 years of age.

25 “(3) ‘Higher education institution’ means:

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

27 “(b) A public university listed in ORS 352.002;

28 “(c) The Oregon Health and Science University; and

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

30 “(4) ‘Law enforcement agency’ means:

- 1 “(a) A city or municipal police department.
- 2 “(b) A county sheriff’s office.
- 3 “(c) The Oregon State Police.
- 4 “(d) A police department established by a university under ORS 352.383
- 5 or 353.125.
- 6 “(e) A county juvenile department.
- 7 “(5) ‘Public or private official’ means:
- 8 “(a) Physician or physician assistant licensed under ORS chapter 677 or
- 9 naturopathic physician, including any intern or resident.
- 10 “(b) Dentist.
- 11 “(c) School employee, including an employee of a higher education insti-
- 12 tution.
- 13 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
- 14 aide, home health aide or employee of an in-home health service.
- 15 “(e) Employee of the Department of Human Services, Oregon Health Au-
- 16 thority, Early Learning Division, Youth Development Division, Office of
- 17 Child Care, the Oregon Youth Authority, a county health department, a
- 18 community mental health program, a community developmental disabilities
- 19 program, a county juvenile department, a licensed child-caring agency or an
- 20 alcohol and drug treatment program.
- 21 “(f) Peace officer.
- 22 “(g) Psychologist.
- 23 “(h) Member of the clergy.
- 24 “(i) Regulated social worker.
- 25 “(j) Optometrist.
- 26 “(k) Chiropractor.
- 27 “(L) Certified provider of foster care, or an employee thereof.
- 28 “(m) Attorney.
- 29 “(n) Licensed professional counselor.
- 30 “(o) Licensed marriage and family therapist.

1 “(p) Firefighter or emergency medical services provider.
2 “(q) A court appointed special advocate, as defined in ORS 419A.004.
3 “(r) A child care provider registered or certified under ORS 329A.030 and
4 329A.250 to 329A.450.
5 “(s) Member of the Legislative Assembly.
6 “(t) Physical, speech or occupational therapist.
7 “(u) Audiologist.
8 “(v) Speech-language pathologist.
9 “(w) Employee of the [*Teacher Standards and Practices Commission*]
10 **Teacher Standards and Practices Board or the Teacher Standards and**
11 **Practices Division of the Department of Education** directly involved in
12 investigations or discipline by the [*commission*] **board or division**.
13 “(x) Pharmacist.
14 “(y) An operator of a preschool recorded program under ORS 329A.255.
15 “(z) An operator of a school-age recorded program under ORS 329A.257.
16 “(aa) Employee of a private agency or organization facilitating the pro-
17 vision of respite services, as defined in ORS 418.205, for parents pursuant to
18 a properly executed power of attorney under ORS 109.056.
19 “(bb) Employee of a public or private organization providing child-related
20 services or activities:
21 “(A) Including but not limited to youth groups or centers, scout groups
22 or camps, summer or day camps, survival camps or groups, centers or camps
23 that are operated under the guidance, supervision or auspices of religious,
24 public or private educational systems or community service organizations;
25 and
26 “(B) Excluding community-based, nonprofit organizations whose primary
27 purpose is to provide confidential, direct services to victims of domestic vi-
28 olence, sexual assault, stalking or human trafficking.
29 “(cc) A coach, assistant coach or trainer of an amateur, semiprofessional
30 or professional athlete, if compensated and if the athlete is a child.

1 “SECTION 71. ORS 419B.035, as amended by section 43, chapter 45,
2 Oregon Laws 2014, is amended to read:

3 “419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170,
4 192.210 to 192.505 and 192.610 to 192.990 relating to confidentiality and ac-
5 cessibility for public inspection of public records and public documents, re-
6 ports and records compiled under the provisions of ORS 419B.010 to 419B.050
7 are confidential and may not be disclosed except as provided in this section.

8 The Department of Human Services shall make the records available to:

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

11 “(b) Any physician, physician assistant licensed under ORS 677.505 to
12 677.525 or nurse practitioner licensed under ORS 678.375 to 6789.390, at the
13 request of the physician, physician assistant or nurse practitioner, regarding
14 any child brought to the physician, physician assistant or nurse practitioner
15 or coming before the physician, physician assistant or nurse practitioner for
16 examination, care or treatment;

17 “(c) Attorneys of record for the child or child’s parent or guardian in any
18 juvenile court proceeding;

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

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

27 “(f) The Office of Child Care for certifying, registering or otherwise reg-
28 ulating child care facilities;

29 “(g) The Office of Children’s Advocate;

30 “(h) The Teacher Standards and Practices [*Commission*] **Board** for inves-

1 tigungen conducted under ORS 342.176 involving any child or any student
2 in grade 12 or below;

3 “(i) Any person, upon request to the Department of Human Services, if
4 the reports or records requested regard an incident in which a child, as the
5 result of abuse, died or suffered serious physical injury as defined in ORS
6 161.015. Reports or records disclosed under this paragraph must be disclosed
7 in accordance with ORS 192.410 to 192.505; and

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

9 “(2)(a) When disclosing reports and records pursuant to subsection (1)(i)
10 of this section, the Department of Human Services may exempt from disclo-
11 sure the names, addresses and other identifying information about other
12 children, witnesses, victims or other persons named in the report or record
13 if the department determines, in written findings, that the safety or well-
14 being of a person named in the report or record may be jeopardized by dis-
15 closure of the names, addresses or other identifying information, and if that
16 concern outweighs the public’s interest in the disclosure of that information.

17 “(b) If the Department of Human Services does not have a report or re-
18 cord of abuse regarding a child who, as the result of abuse, died or suffered
19 serious physical injury as defined in ORS 161.015, the department may dis-
20 close that information.

21 “(3) The Department of Human Services may make reports and records
22 compiled under the provisions of ORS 419B.010 to 419B.050 available to any
23 person, administrative hearings officer, court, agency, organization or other
24 entity when the department determines that such disclosure is necessary to
25 administer its child welfare services and is in the best interests of the af-
26 fected child, or that such disclosure is necessary to investigate, prevent or
27 treat child abuse and neglect, to protect children from abuse and neglect or
28 for research when the Director of Human Services gives prior written ap-
29 proval. The Department of Human Services shall adopt rules setting forth the
30 procedures by which it will make the disclosures authorized under this sub-

1 section or subsection (1) or (2) of this section. The name, address and other
2 identifying information about the person who made the report may not be
3 disclosed pursuant to this subsection and subsection (1) of this section.

4 “(4) A law enforcement agency may make reports and records compiled
5 under the provisions of ORS 419B.010 to 419B.050 available to other law
6 enforcement agencies, district attorneys, city attorneys with criminal
7 prosecutorial functions and the Attorney General when the law enforcement
8 agency determines that disclosure is necessary for the investigation or
9 enforcement of laws relating to child abuse and neglect.

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

25 “(6)(a) Any record made available to a law enforcement agency or com-
26 munity corrections agency in this state, to the Department of Corrections
27 or the State Board of Parole and Post-Prison Supervision or to a physician,
28 physician assistant or nurse practitioner in this state, as authorized by sub-
29 sections (1) to (5) of this section, shall be kept confidential by the agency,
30 department, board, physician, physician or nurse practitioner. Any record or

1 report disclosed by the Department of Human Services to other persons or
2 entities pursuant to subsections (1) and (3) of this section shall be kept
3 confidential.

4 “(b) Notwithstanding paragraph (a) of this subsection:

5 “(A) A law enforcement agency, a community corrections agency, the
6 Department of Corrections and the State Board of Parole and Post-Prison
7 Supervision may disclose records made available to them under subsection
8 (5) of this section to each other, to law enforcement, community corrections,
9 corrections and parole agencies of other states and to authorized treatment
10 providers for the purpose of managing and supervising offenders in custody
11 or on probation, parole, post-prison supervision or other form of conditional
12 or supervised release.

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

16 “(7) An officer or employee of the Department of Human Services or of
17 a law enforcement agency or any person or entity to whom disclosure is
18 made pursuant to subsections (1) to (6) of this section may not release any
19 information not authorized by subsections (1) to (6) of this section.

20 “(8) As used in this section, ‘law enforcement agency’ has the meaning
21 given that term in ORS 181.010.

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

24 **“SECTION 72.** ORS 675.520 is amended to read:

25 “675.520. (1) A person may not use any title, words or abbreviations, in-
26 cluding the title ‘social worker,’ that indicate that the person has an au-
27 thorization to practice regulated social work unless the person is a regulated
28 social worker.

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

30 “(a) The use of the educational designations ‘Bachelor of Social Work’

1 or 'Master's of Social Work' by a person who is not a regulated social
2 worker; or

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

4 “(A) Is not a regulated social worker;

5 “(B) Holds a master's degree in social work from an accredited college
6 or university; and

7 “(C) Is licensed as a school social worker by the [*Teacher Standards and*
8 *Practices Commission*] **Teacher Standards and Practices Division of the**
9 **Department of Education.**

10 “**SECTION 73.** ORS 681.230 is amended to read:

11 “681.230. (1) Without obtaining a license under this chapter, a person may
12 use any procedure included in the practice of speech-language pathology or
13 audiology if the procedure is within the scope of practice of the person and
14 the person is:

15 “(a) Licensed by a health professional regulatory board as defined in ORS
16 676.160;

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

20 “(c) A teacher licensed by the [*Teacher Standards and Practices Commis-*
21 *sion*] **Teacher Standards and Practices Division of the Department of**
22 **Education** and holding a hearing impaired endorsement; or

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

28 “(2) A person practicing speech-language pathology or audiology without
29 a license under subsection (1) of this section may not represent or imply that
30 the person is a speech-language pathologist, speech-language pathology as-

1 sistant or audiologist.

2 “(3) A person practicing speech-language pathology or audiology without
3 a license under subsection (1)(d) of this section:

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

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

8 “(4) Without obtaining a license under this chapter, a teacher licensed
9 by the [*Teacher Standards and Practices Commission*] **Teacher Standards
10 and Practices Division of the Department of Education** and holding a
11 communications disorders or speech impaired endorsement issued by the
12 [*commission*] **division** may practice speech-language pathology if the person:

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

16 “(b) Complies with ORS 681.360 to 681.375 and rules adopted under ORS
17 681.360 to 681.375 when supervising speech-language pathology assistants.

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

19 “(a) Consult with or disseminate the person’s research findings and sci-
20 entific information to accredited academic institutions or governmental
21 agencies; and

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

23 **“SECTION 74.** ORS 681.360 is amended to read:

24 “681.360. (1) A person may not perform the duties of a speech-language
25 pathology assistant or use the title speech-language pathology assistant
26 without a certificate to do so issued under this section.

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

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

1 “(b) Pay the certificate fee established by the board;

2 “(c) Demonstrate that the person meets the qualifications for certification
3 established by the board; and

4 “(d) Comply with all other requirements for certification established by
5 the board.

6 “(3) A certificate issued under this section expires every two years. To
7 renew a certificate to perform the duties of a speech-language pathology as-
8 sistant, a person shall:

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

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

11 “(c) Comply with all other requirements for certificate renewal estab-
12 lished by the board, including but not limited to submission of evidence of
13 participation in professional development activities.

14 “(4) A person may not employ or otherwise use the services of a speech-
15 language pathology assistant unless the speech-language pathology assistant
16 is certified under this section.

17 “(5) The board may establish by rule qualifications and conditions under
18 which a person not licensed under this chapter who holds a basic or standard
19 teaching license in speech impaired or an initial or professional teaching li-
20 cense or teacher leader license in communication disorders issued by the
21 [*Teacher Standards and Practices Commission*] **Teacher Standards and**
22 **Practices Division of the Department of Education** may supervise a
23 speech-language pathology assistant working in a school.

24 “(6) The board may refuse to issue a certificate, or may suspend or revoke
25 the certificate, of any certified speech-language pathology assistant pursuant
26 to the provisions of ORS 681.350.

27 **“SECTION 75. ORS 342.167 and 342.380 are repealed.**

28 **“SECTION 76. For the purpose of harmonizing and clarifying stat-**
29 **utory law, the Legislative Counsel may substitute for words designat-**
30 **ing the ‘Teacher Standards and Practices Commission Account,’**

1 **wherever they occur in statutory law, words designating the ‘Educator**
2 **Licensure Account.’**

3 **“SECTION 77. Sections 10, 12 and 76 of this 2015 Act, the amend-**
4 **ments to statutes by sections 11 and 13 to 74 of this 2015 Act and the**
5 **repeal of statutes by section 75 of this 2015 Act become operative on**
6 **January 1, 2016.**

7 **“SECTION 78. The Department of Education may take any action**
8 **before the operative date of sections 1 to 7 of this 2015 Act that is**
9 **necessary to enable the department to exercise, on and after the op-**
10 **erative date of sections 1 to 7 of this 2015 Act, the duties, functions**
11 **and powers of the department pursuant to sections 1 to 7 of this 2015**
12 **Act.**

13 **“SECTION 79. This 2015 Act being necessary for the immediate**
14 **preservation of the public peace, health and safety, an emergency is**
15 **declared to exist, and this 2015 Act takes effect on its passage.”.**

16
