

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2412**

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

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

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

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

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

18 “[*b*] (2) The [*teacher*] **person** is employed **as a teacher** by a post-
19 secondary institution that is accredited by the Northwest Commission on
20 Colleges and Universities, or its successor, and that has a contract with a
21 school district under which the [*teacher*] **person** is teaching at the high
22 school level. The contract shall be approved [*annually*] by the [*State Board*]

1 *of Education under rules adopted by the board]* **Teacher Standards and**
2 **Practices Commission**, including criteria for a *[teacher’s]* **person’s** quali-
3 fications under *[subparagraph (C) of this]* paragraph **(b) of this**
4 **subsection**. The contract shall:

5 “[A] **(a)** Be for a specific instructional assignment for which the district
6 does not have appropriately licensed personnel either on staff or available
7 to be placed on staff after a reasonably diligent search;

8 “[B] *Be approved annually by the governing boards of the post-secondary*
9 *institution and the school district including a written determination that ap-*
10 *propriately licensed personnel have not become available since the previous*
11 *contract for the assignment;]*

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

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

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

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

19 “[2] *A school district shall be required under subsection (1) of this section*
20 *to forfeit not more than \$1,000 of State School Fund moneys due the district*
21 *if the license has lapsed during the time of employment with the district and*
22 *the holder had at the time the license expired all the qualifications necessary*
23 *to renew the license.]*

24 “[3] *Notwithstanding subsections (1) and (2) of this section, a school dis-*
25 *trict employing unlicensed staff members in positions requiring licensed per-*
26 *sonnel during the time of a labor dispute shall forfeit in State School Fund*
27 *moneys an amount equal to the daily salary rate multiplied by the number of*
28 *teaching days for each unlicensed teaching employee during the entire labor*
29 *dispute.]*

30 “[4] *If the State Board of Education finds a contract to be in violation of*

1 *the provisions of subsection (1)(b) of this section, the board shall report the*
2 *violation to the Teacher Standards and Practices Commission, which shall*
3 *proceed as provided in subsection (1) of this section.]*

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

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

17 *“(7) Subject to any applicable collective bargaining agreement, an educa-*
18 *tion service district required to pay any penalty under subsection (6) of this*
19 *section is entitled to recover one-half of the amounts paid from the licensed*
20 *personnel whose unlicensed status caused the payment. Recovery may not ex-*
21 *ceed one-half of the amount paid that is attributable to the licensed person.]*

22 *“(8) The Teacher Standards and Practices Commission shall notify dis-*
23 *tricts of the licensing expiration dates of their employees who are reported to*
24 *the commission. The reporting shall be done in a manner specified by the*
25 *commission.]*

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

1 *censed person.]*

2 *“(10) A school district or education service district that assigns a teacher*
3 *to be present in the classroom during a live, interactive distance learning*
4 *presentation may not be subject to the forfeiture described in subsection (1) of*
5 *this section solely because the assignment does not conform to the terms spec-*
6 *ified on the license of the teacher.]*

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

8 “342.175. (1) The Teacher Standards and Practices Commission may sus-
9 pend or revoke the license or registration of a teacher or administrator,
10 discipline a teacher or administrator, or suspend or revoke the right of any
11 person to apply for a license or registration, if the licensee, registrant or
12 applicant has held a license or registration at any time within five years
13 prior to issuance of the notice of charges under ORS 342.176 based on the
14 following:

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

16 “(b) Gross neglect of duty;

17 “(c) Any gross unfitness;

18 “(d) Conviction of a crime for violating any law of this **state** or any state
19 or of the United States involving the illegal use, sale or possession of con-
20 trolled substances;

21 “(e) Any false statement knowingly made in an application for issuance,
22 renewal or reinstatement of a license or registration; or

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

26 “(2) If a person is enrolled in an approved [*teacher education institution*
27 *or program*] **educator preparation program** under ORS 342.147, the com-
28 mission may issue a public reprimand or suspend or revoke the right to apply
29 for a license or registration based on the following:

30 “(a) Conviction of a crime listed in ORS 342.143 (3) or a crime described

1 by the commission by rule;

2 “(b) Conviction of a crime for violating any law of this **state** or any state
3 or of the United States involving the illegal use, sale or possession of con-
4 trolled substances; or

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

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

12 “(4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and
13 subject to subsection (5) of this section, any person whose license or regis-
14 tration has been [*suspended or*] revoked, or whose [*privilege*] **right** to apply
15 for a license or registration has been revoked, may apply to the commission
16 for reinstatement of the license or registration after one year from the date
17 of the [*suspension or*] revocation.

18 “(b) **Any person whose license or registration has been suspended,**
19 **or whose right to apply for a license or registration has been sus-**
20 **pending, may apply to the commission for reinstatement of the license**
21 **or registration.**

22 “(c) The commission may require an applicant for reinstatement to fur-
23 nish evidence satisfactory to the commission of good moral character, mental
24 and physical health and such other evidence as the commission may consider
25 necessary to establish the applicant’s fitness. The commission may impose a
26 probationary period and such conditions as [*it*] **the commission** considers
27 necessary upon approving an application for reinstatement.

28 “(5) The commission shall reconsider immediately a license or registration
29 suspension or revocation or the situation of a person whose [*privilege*] **right**
30 to apply for a license or registration has been revoked, upon application

1 therefor, when the license or registration suspension or revocation or the
2 [*privilege*] **right** revocation is based on a criminal conviction that is reversed
3 on appeal.

4 “(6) Violation of rules adopted by the commission relating to competent
5 and ethical performance of professional duties shall be admissible as evi-
6 dence of gross neglect of duty or gross unfitness.

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

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

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

12 On page 16, line 6, after “provider” insert “within a private post-
13 secondary institution of education”.

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

16 On page 35, after line 32, insert:

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

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

24 **“SECTION 56. (1) Any reference in Oregon statutory law to ‘teacher
25 education program’ shall be considered a reference to ‘educator prep-
26 aration program.’**

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

