

Enrolled Senate Bill 205

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CHAPTER

AN ACT

Relating to teaching licenses; amending ORS 342.125, 342.127 and 342.173; and declaring an emergency.

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

SECTION 1. ORS 342.125 is amended to read:

342.125. (1)(a) Teaching licenses shall be issued and renewed by the Teacher Standards and Practices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and the rules of the commission.

(b) Notwithstanding any requirements prescribed for issuance of a teaching license, a person whose application for a teaching license is pending may teach in the public schools of this state for 90 calendar days after the date of submission of the application if:

(A) The person is not ineligible for a teaching license following background checks conducted by the commission, including a criminal records check as provided in ORS 181A.195 and a background check through an interstate clearinghouse of revoked and suspended licenses;

(B) The school district has completed the review of the employment history of the person as required by ORS 339.374; and

(C) The person and the school district have complied with any other requirements established by the commission by rule.

(2) Subject to ORS 342.130 and to subsection (3) of this section, licenses shall be of the following types:

- (a) Preliminary teaching license.
- (b) Professional teaching license.
- (c) Distinguished teacher leader license.
- (d) Preliminary personnel service license.
- (e) Professional personnel service license.
- (f) Preliminary administrative license.
- (g) Professional administrative license.
- (h) Reciprocal license.
- (i) Legacy license.

(3) The Teacher Standards and Practices Commission may establish other types of teaching licenses as the commission considers necessary for operation of the public schools of the state and

may prescribe the qualifications for the licenses. However, no license established under the authority of this subsection is required for a regular classroom teaching position in the public schools.

(4)(a) The Teacher Standards and Practices Commission shall establish a public charter school teacher and administrator registry. The commission shall require the applicant and the public charter school to jointly submit an application requesting registration as a public charter school teacher or administrator. The application shall include:

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

(B) A description of the background of the applicant that is relevant to the teaching or administrator position, including any post-secondary education or other experience; and

(C) Documentation as required by the commission for the purposes of conducting a criminal records check as provided in ORS 181A.195 and a background check through an interstate clearinghouse of revoked and suspended licenses.

(b) Subject to the results of the criminal records check and background check and to information received under ORS 342.143 (2), the commission shall approve the application for registration. The commission may deny a request for registration only on the basis of the criminal records check, the background check through an interstate clearinghouse of revoked and suspended licenses or the information received under ORS 342.143 (2). The registration is valid for a term established by the commission and, subject to information received under ORS 342.143 (2), may be renewed upon joint application from the teacher or administrator and the public charter school.

(c) A registration as a public charter school teacher qualifies its holder to accept the teaching position described in the application in the public charter school that submitted the application with the holder of the registration.

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

[(5) The Teacher Standards and Practices Commission shall adopt an expedited process for the issuance of any license established pursuant to this section. The process may require a school district superintendent or school district board and the applicant to jointly submit an application requesting an emergency license. Within two working days after receiving a completed application the commission shall issue the emergency license. However, the commission may limit the number of applications for expedited service from a school district or education service district to not more than 100 applications in a period of two working days. For purposes of this subsection, the commission may not distinguish between a school district or education service district involved in a labor dispute and any other school district or education service district.]

SECTION 2. ORS 342.127 is amended to read:

342.127. (1) The Teacher Standards and Practices Commission shall establish and collect:

(a) A fee not to exceed \$350 for evaluation of the initial application for each educator license for which application is made. If the applicant is eligible for the educator license for which application is made, the commission shall issue the license without additional charge.

(b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed \$50 for each official paper license.

(c) A fee not to exceed \$800 for a beginning educator assessment conducted in lieu of an approved preparation program required for licensure.

(d) A fee not to exceed \$350 for registration as a public charter school teacher or administrator that includes any fee charged pursuant to rules adopted under ORS 181A.195.

(e) A fee not to exceed \$350 for renewal of a registration as a public charter school teacher or administrator that includes any fee charged pursuant to rules adopted under ORS 181A.195.

(2) In addition to the fee required by subsection (1) of this section for the issuance of an educator license, the commission shall collect a fee not to exceed \$150 for the evaluation of an applicant requesting licensing based upon completion of an educator preparation program other than an Oregon approved educator preparation program.

(3) In addition to the fees required by subsection (1) of this section, the commission shall collect a late application fee not to exceed \$40 per month up to a maximum of \$200 from an applicant who fails to make timely application for renewal of the license or registration. The actual amount of the fee shall be determined in accordance with rules of the commission.

(4) In addition to the fees required by subsection (1) of this section, the commission shall collect a late application fee not to exceed \$350 for the reinstatement of an expired license. The requirements for reinstatement and the actual amount of the fee shall be determined in accordance with rules of the commission.

(5) Notwithstanding the expiration date posted on the license, the license shall continue to be valid for an additional 120 days, provided the educator has made a timely application, as determined by the commission, for renewal prior to the expiration date on the license.

(6) In addition to the fee required by subsection (1) of this section for the issuance of an educator license, the commission shall collect a fee not to exceed \$300 for the reinstatement of a license that has been suspended or revoked by the commission for gross neglect of duty or gross unfitness under ORS 342.175.

(7) In addition to the fee required by subsection (1) of this section for the issuance of an educator license **to a substitute teacher**, the commission shall collect a fee not to exceed \$200 for the issuance of any emergency license **to a substitute teacher** through an expedited process at the request of any school district, public charter school or education service district that seeks to employ the applicant. The fee shall be paid by the school district, public charter school or education service district.

(8) Fees established under this section shall cover, but not exceed, the full cost of administrative expenses incurred by the commission during any biennium.

SECTION 3. ORS 342.173 is amended to read:

342.173. Any school district or education service district that employs any person not properly licensed or registered by the Teacher Standards and Practices Commission, or licensed by the commission but not assigned in accordance with rules of the commission, shall be subject to sanctions imposed by the commission. A sanction must be imposed according to rules adopted by the commission and is effective unless:

(1) The assignment is made with justification satisfactory to the commission.

(2) The person is employed as a teacher by a post-secondary institution that is accredited by the Northwest Commission on Colleges and Universities, or its successor, and that has a contract with a school district under which the person is teaching at the high school level. The contract shall be approved by the Teacher Standards and Practices Commission, including criteria for a person's qualifications under paragraph (b) of this subsection. The contract shall:

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

(b) Provide evidence that the person's qualifications are appropriate for the assignment;

(c) Allow the person to teach no more than two high school units of credit or the equivalent per year; and

(d) Not be valid during a school closure, strike or summer session.

(3) The person is teaching an online course originating outside this state.

(4) The person is teaching as provided by ORS 342.125 (1)(b).

SECTION 4. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate March 21, 2017

Repassed by Senate June 12, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 1, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State