

A-Engrossed
Senate Bill 129

Ordered by the Senate June 21
Including Senate Amendments dated June 21

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Teacher Standards and Practices Commission)

SUMMARY

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

Increases maximum allowed fee Teacher Standards and Practices Commission can impose for reinstatement of license that has been suspended or revoked for gross neglect of duty or gross unfitness.

Authorizes commission to establish and collect certain fees related to educator preparation providers[, *educator preparation provider programs, school districts, public charter schools and education service districts*]. **Sunsets authority to impose fees on January 1, 2026.**

[*Allows commission to receive reasonable attorney fees and costs upon prevailing at hearing conducted related to disciplinary action.*]

[*Authorizes commission to impose civil penalty in addition to any disciplinary action taken by commission.*]

Transfers moneys from National Board Certification Fund to Teacher Standards and Practices Commission Account.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to moneys collected by the Teacher Standards and Practices Commission; creating new
3 provisions; amending ORS 342.127; and declaring an emergency.

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

5 **SECTION 1.** ORS 342.127 is amended to read:

6 342.127. (1) The Teacher Standards and Practices Commission shall establish and collect:

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

10 (b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed
11 \$50 for each official paper license. If the educator is certified by a national professional organization
12 for teaching standards recognized by the commission, the commission shall renew the license with-
13 out charge.

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

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

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

20 (2) In addition to the fee required by subsection (1) of this section for the issuance of an edu-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 cator license, the commission shall collect a fee not to exceed \$150 for the evaluation of an appli-
2 cant requesting licensing based upon completion of an educator preparation program other than an
3 Oregon approved educator preparation program.

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

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

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

15 (6) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
16 cator license, the commission shall collect a fee not to exceed [~~\$300~~] **\$1,000** for the reinstatement
17 of a license that has been suspended or revoked by the commission for gross neglect of duty or gross
18 unfitness under ORS 342.175.

19 (7) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
20 cator license, the commission shall collect a fee not to exceed \$200 for the issuance of any license
21 through an expedited process under ORS 342.125 (6) at the request of any school district, public
22 charter school or education service district that seeks to employ the applicant. The fee shall be paid
23 by the school district, public charter school or education service district.

24 **(8)(a) The commission shall establish and collect:**

25 **(A) A fee for each approved educator preparation provider, based on the number of li-**
26 **cence applications received by the commission from the provider; and**

27 **(B) A fee for each approved educator preparation provider, based on the type of educator**
28 **preparation programs that the provider offers.**

29 **(b) Notwithstanding paragraph (a) of this subsection, the commission may establish and**
30 **collect a flat fee for the purposes described in paragraph (a) of this subsection if the number**
31 **of teacher applicants enrolled in the educator preparation programs offered by the educator**
32 **preparation provider does not exceed a number identified by the commission by rule.**

33 **(c) The method for determining the fee and the actual amount of the fee imposed under**
34 **this subsection shall be determined in accordance with rules of the commission.**

35 [(8)] **(9) Fees established under this section shall cover, but not exceed, the full cost of admin-**
36 **istrative expenses incurred by the commission during any biennium.**

37 **SECTION 2. (1) The amendments to ORS 342.127 by section 1 of this 2021 Act become**
38 **operative on January 1, 2022.**

39 **(2) The amendments to ORS 342.127 by section 1 of this 2021 Act apply to any license**
40 **reinstated on or after January 1, 2022.**

41 **SECTION 3. The Teacher Standards and Practices Commission shall report to an interim**
42 **committee of the Legislative Assembly related to education no later than March 1, 2022. The**
43 **report must be related to the fees established and collected as authorized by ORS 342.127,**
44 **as amended by section 1 of this 2021 Act.**

45 **SECTION 4. ORS 342.127, as amended by section 1 of this 2021 Act, is amended to read:**

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

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

5 (b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed
6 \$50 for each official paper license. If the educator is certified by a national professional organization
7 for teaching standards recognized by the commission, the commission shall renew the license with-
8 out charge.

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

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

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

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

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

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

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

30 (6) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
31 cator license, the commission shall collect a fee not to exceed \$1,000 for the reinstatement of a li-
32 cense that has been suspended or revoked by the commission for gross neglect of duty or gross
33 unfitness under ORS 342.175.

34 (7) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
35 cator license, the commission shall collect a fee not to exceed \$200 for the issuance of any license
36 through an expedited process under ORS 342.125 (6) at the request of any school district, public
37 charter school or education service district that seeks to employ the applicant. The fee shall be paid
38 by the school district, public charter school or education service district.

39 *[(8)(a) The commission shall establish and collect:]*

40 *[(A) A fee for each approved educator preparation provider, based on the number of license appli-
41 cations received by the commission from the provider; and]*

42 *[(B) A fee for each approved educator preparation provider, based on the type of educator prepa-
43 ration programs that the provider offers.]*

44 *[(b) Notwithstanding paragraph (a) of this subsection, the commission may establish and collect a
45 flat fee for the purposes described in paragraph (a) of this subsection if the number of teacher appli-*

1 *cants enrolled in the educator preparation programs offered by the educator preparation provider does*
2 *not exceed a number identified by the commission by rule.]*

3 *[(c) The method for determining the fee and the actual amount of the fee imposed under this sub-*
4 *section shall be determined in accordance with rules of the commission.]*

5 [(9)] (8) Fees established under this section shall cover, but not exceed, the full cost of admin-
6 istrative expenses incurred by the commission during any biennium.

7 **SECTION 5. The amendments to ORS 342.127 by section 4 of this 2021 Act become oper-**
8 **ative on January 1, 2026.**

9 **SECTION 6. Any moneys in the National Board Certification Fund on June 30, 2021, that**
10 **are unexpended, unobligated and not subject to any conditions shall be transferred to the**
11 **Teacher Standards and Practices Commission Account.**

12 **SECTION 7. This 2021 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
14 **on its passage.**

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