

HB 4030-3
(LC 198)
2/9/22 (HRL/ps)

Requested by HOUSE COMMITTEE ON EDUCATION (at the request of Senator Michael Dembrow)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4030**

1 In line 2 of the printed bill, after “educators” insert “; creating new pro-
2 visions; amending ORS 326.603 and 342.125; and declaring an emergency”.

3 Delete lines 4 through 8 and insert:
4

5 **“BACKGROUND CHECKS**

6
7 **“SECTION 1.** ORS 326.603 is amended to read:

8 “326.603. (1) For the purposes of requesting a state or nationwide criminal
9 records check under ORS 181A.195, the Department of Education may require
10 the fingerprints of:

11 “(a) A school district or private school contractor, whether part-time or
12 full-time, or an employee of a contractor, whether part-time or full-time, who
13 has direct, unsupervised contact with students as determined by the district
14 or private school.

15 “(b) A person newly hired, whether part-time or full-time, by a school
16 district or private school in a capacity not described in ORS 342.223 (1).

17 “(c) A person who is a community college faculty member providing in-
18 struction:

19 “(A) At the site of an early childhood education program or at a school
20 site as part of an early childhood education program; or

21 “(B) At a kindergarten through grade 12 school site during the regular

1 school day.

2 “(d) A person who is an employee of a public charter school.

3 “(2)(a) A school district shall send to the Department of Education for
4 purposes of a criminal records check any information, including fingerprints,
5 for each person described in subsection (1) of this section.

6 “(b) A private school may send to the Department of Education for pur-
7 poses of a criminal records check any information, including fingerprints, for
8 each person described in subsection (1)(a), (b) or (c) of this section.

9 “(3) The Department of Education shall request that the Department of
10 State Police conduct a criminal records check as provided in ORS 181A.195
11 and may charge the school district or private school a fee as established by
12 rule under ORS 181A.195. The school district or private school may recover
13 its costs or a portion thereof from the person described in subsection (1) of
14 this section. If the person described in subsection (1)(b) or (d) of this section
15 requests, the school district shall and a private school may withhold the
16 amount from amounts otherwise due the person, including a periodic payroll
17 deduction rather than a lump sum payment.

18 “(4) Notwithstanding subsection (1) of this section, the Department of
19 Education may not require fingerprints of a person described in subsection
20 (1) of this section if:

21 “(a) The person or the person’s employer was checked in one school dis-
22 trict or private school and is currently seeking to work in another district
23 or private school unless the person lived outside this state during the inter-
24 val between the two periods of time of working in the district or private
25 school[.]; **or**

26 “(b) **The department determines that an emergency exists and that**
27 **the person:**

28 “(A) **Submitted to a criminal records check for the person’s imme-**
29 **diately previous employer, the employer is a school district or private**
30 **school and the person has not lived outside this state between the two**

1 **periods of employment;**

2 **“(B) Submitted to a criminal records check conducted by the**
3 **Teacher Standards and Practices Commission within the previous**
4 **three years;**

5 **“(C) Remained continuously licensed or registered with the com-**
6 **mission; or**

7 **“(D) Had a license or registration with the commission that lapsed**
8 **within the previous three years.**

9 “(5) Nothing in this section requires a person described in subsection
10 (1)(a), (b) or (d) of this section to submit to fingerprinting until the person
11 has been offered employment or a contract by a school district or private
12 school. Contractor employees may not be required to submit to fingerprinting
13 until the contractor has been offered a contract.

14 “(6) If a person described in subsection (1) of this section states on a
15 criminal history form provided by the Department of Education that the
16 person has not been convicted of a crime but the criminal records check in-
17 dicates that the person has a conviction, the department shall determine
18 whether the person knowingly made a false statement as to the conviction.
19 The department shall develop a process and criteria to use for appeals of a
20 determination under this subsection.

21 “(7)(a) The Superintendent of Public Instruction shall inform a school
22 district or private school if a person described in subsection (1) of this sec-
23 tion has been convicted of a crime listed in ORS 342.143 (3) or has knowingly
24 made a false statement on a criminal history form provided by the Depart-
25 ment of Education as to the conviction of any crime.

26 “(b) If a person described in subsection (1) of this section has been con-
27 victed of a crime listed in ORS 342.143 (3), a school district may not employ
28 or contract with the person and a private school may choose not to employ
29 or contract with the person. Notification by the superintendent that the
30 school district may not employ or contract with the person shall remove the

1 person from any school district policies, collective bargaining provisions re-
2 garding dismissal procedures and appeals and the provisions of ORS 342.805
3 to 342.937.

4 “(c) If a person described in subsection (1) of this section has knowingly
5 made a false statement on a criminal history form provided by the Depart-
6 ment of Education as to the conviction of a crime not listed in ORS 342.143
7 (3), a school district or private school may choose to employ or contract with
8 the person.

9 “(8) If a person described in subsection (1) of this section refuses to con-
10 sent to the criminal records check or refuses to be fingerprinted, the school
11 district shall terminate the employment or contract status of the person.
12 Termination under this subsection removes the person from any school dis-
13 trict policies, collective bargaining provisions regarding dismissal procedures
14 and appeals and the provisions of ORS 342.805 to 342.937.

15 “(9) A school district may not hire or continue to employ or contract with
16 or allow the contractor to continue to assign a person to the school project
17 if the person described in subsection (1) of this section has been convicted
18 of a crime according to the provisions of ORS 342.143.

19 “(10) As used in this section and ORS 326.607:

20 “(a) ‘Private school’ means a school that:

21 “(A) Offers education in prekindergarten, kindergarten or grades 1
22 through 12, or any combination of those grade levels; and

23 “(B) Provides instructional programs that are not limited solely to danc-
24 ing, drama, music, religious or athletic instruction.

25 “(b) ‘School district’ means:

26 “(A) A school district as defined in ORS 330.003.

27 “(B) The Oregon School for the Deaf.

28 “(C) An educational program under the Youth Corrections Education
29 Program.

30 “(D) A public charter school as defined in ORS 338.005.

1 “(E) An education service district.

2
3 **“EDUCATOR LICENSE RECIPROCITY**

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5 **“SECTION 2. (1) The Teacher Standards and Practices Commission**
6 **shall:**

7 **“(a) Conduct a review of the commission’s process for licensing**
8 **educators from other states;**

9 **“(b) Identify and implement any changes to the process reviewed**
10 **under paragraph (a) of this subsection that will simplify the process**
11 **and encourage educators from other states to become licensed in**
12 **Oregon; and**

13 **“(c) Identify any necessary statutory changes that would enable or**
14 **encourage out-of-state educators to become licensed in Oregon.**

15 **“(2) The commission shall report the commission’s findings under**
16 **subsection (1) of this section to an interim committee of the Legisla-**
17 **tive Assembly related to education no later than September 1, 2022.**

18 **“SECTION 3. Section 2 of this 2022 Act is repealed on January 2,**
19 **2023.**

20
21 **“EDUCATOR PROFESSIONAL DEVELOPMENT**

22
23 **“SECTION 4. (1) The Teacher Standards and Practices Commission**
24 **shall adopt rules that provide for the reduction or suspension of pro-**
25 **fessional development requirements that a person must complete be-**
26 **fore the person may renew a license, registration or certification**
27 **issued by the commission.**

28 **“(2) The rules adopted under subsection (1) of this section must**
29 **apply to professional development requirements needed to renew a li-**
30 **cence, registration or certification at any time from January 1, 2022,**

1 until December 31, 2023.

2
3 **“STATEWIDE PORTAL FOR JOBS IN EDUCATION**

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5 **“SECTION 5. (1) The Department of Education and the Teacher**
6 **Standards and Practices Commission shall jointly:**

7 **“(a) Review the application process for persons seeking jobs in ed-**
8 **ucation in this state, including licensed and classified staff; and**

9 **“(b) Evaluate options for establishing and maintaining a statewide**
10 **portal that provides:**

11 **“(A) A single location for the posting of jobs in education in this**
12 **state;**

13 **“(B) A common background check to be used by education em-**
14 **ployers; and**

15 **“(C) The option for persons to submit a common application for jobs**
16 **in education in this state.**

17 **“(2) For the purpose of subsection (1) of this section, the depart-**
18 **ment and commission shall consult with school districts and education**
19 **service districts.**

20 **“(3) The department and commission shall jointly report the**
21 **department’s and commission’s findings under subsection (1) of this**
22 **section to an interim committee of the Legislative Assembly related**
23 **to education no later than September 1, 2023.**

24 **“SECTION 6. Section 5 of this 2022 Act is repealed on January 2,**
25 **2024.**

26
27 **“RECRUITMENT AND RETENTION GRANTS**

28
29 **“SECTION 7. (1) The State Board of Education shall adopt by rule**
30 **requirements by which the Department of Education shall distribute**

1 grants for the purposes of recruiting and retaining personnel in edu-
2 cation, with a priority on personnel in high-need specialties and in-
3 cluding personnel who are licensed or classified.

4 “(2) The rules adopted under this section shall provide that:

5 “(a) Grants may be distributed to a school district, an education
6 service district or an education personnel membership organization;

7 “(b) A school district, an education service district or an education
8 personnel membership organization may use grant moneys to make
9 direct payments to personnel for the purpose of recruiting or retaining
10 the personnel; and

11 “(c) An application for a grant submitted by a school district or an
12 education service district must demonstrate significant participation
13 by school district or education service district personnel in developing
14 the application.

15 “(3) To the greatest extent practicable, the rules adopted under this
16 section shall take into consideration and build on efforts for recruit-
17 ment and retention made with other funding sources.

18 “SECTION 8. Notwithstanding any other law limiting expenditures,
19 the amount of \$_____ is established for the biennium ending June 30,
20 2023, as the maximum limit for payment of expenses by the Depart-
21 ment of Education from the American Rescue Plan Act Coronavirus
22 State Fiscal Recovery Fund moneys received by the Oregon Depart-
23 ment of Administrative Services and transferred to the Department
24 of Education to be used as provided by section 7 of this 2022 Act.

25 “SECTION 9. Section 7 of this 2022 Act is repealed on January 2,
26 2024.

27
28 “REIMBURSEMENT OF REQUIRED TRAINING COSTS INCURRED
29 BY SUBSTITUTE TEACHERS AND INSTRUCTIONAL ASSISTANTS
30

1 **“SECTION 10.** The State Board of Education shall adopt by rule
2 requirements by which the Department of Education shall provide re-
3 imbursements to substitute teachers and to instructional assistants
4 for costs personally incurred by the teachers and assistants for re-
5 quired training. The rules may allow for reimbursements to be made
6 from the department:

7 **“(1) Directly to the substitute teachers and instructional assistants;**
8 **or**

9 **“(2) To a school district or education service district for distribution**
10 **to the substitute teachers and instructional assistants, but in no event**
11 **may a district retain any moneys distributed under this section.**

12 **“SECTION 11.** Notwithstanding any other law limiting expenditures,
13 the amount of \$_____ is established for the biennium ending June 30,
14 2023, as the maximum limit for payment of expenses by the Depart-
15 ment of Education from the American Rescue Plan Act Coronavirus
16 State Fiscal Recovery Fund moneys received by the Oregon Depart-
17 ment of Administrative Services and transferred to the Department
18 of Education to be used as provided by section 10 of this 2022 Act.

19 **“SECTION 12.** Section 10 of this 2022 Act is repealed on January 2,
20 2024.

21
22 **“NONESSENTIAL REPORTING REQUIREMENTS**

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24 **“SECTION 13.** Notwithstanding any provision of law, the State
25 Board of Education shall suspend for school districts and education
26 service districts any reporting requirements that:

27 **“(1) Are not required by federal law; and**

28 **“(2) Are not essential, as determined by the board.**

29 **“SECTION 14.** Section 13 of this 2022 Act is repealed on June 30,
30 2023.

1 **“LICENSING OR REGISTRATION ASSISTANCE**

2
3 **“SECTION 15.** ORS 342.125 is amended to read:

4 “342.125. (1) Teaching licenses shall be issued and renewed by the Teacher
5 Standards and Practices Commission by the authority of the State of Oregon,
6 subject to ORS 342.120 to 342.430 and the rules of the commission.

7 “(2) Notwithstanding any requirements prescribed for issuance of a li-
8 cense, a person whose application for a license is pending may be employed
9 in the public schools of this state for 90 calendar days after the date of
10 submission of the application if:

11 “(a) The person is not ineligible for a license following background checks
12 conducted by the Teacher Standards and Practices Commission, including a
13 criminal records check as provided in ORS 181A.195 and a background check
14 through an interstate clearinghouse of revoked and suspended licenses;

15 “(b) The school district has completed the review of the employment his-
16 tory of the person as required by ORS 339.374;

17 “(c) The person had not been employed as provided by this subsection
18 during the previous 12 months with a pending application for the same li-
19 cense; and

20 “(d) The person and the school district have complied with any other re-
21 quirements established by the commission by rule.

22 “(3) Subject to ORS 342.130 and to subsection (4) of this section, licenses
23 shall be of the following types:

24 “(a) Preliminary teaching license.

25 “(b) Professional teaching license.

26 “(c) Distinguished teacher leader license.

27 “(d) Preliminary personnel service license.

28 “(e) Professional personnel service license.

29 “(f) Preliminary administrative license.

30 “(g) Professional administrative license.

1 “(h) Reciprocal license.

2 “(i) Legacy license.

3 “(4) The Teacher Standards and Practices Commission may establish other
4 types of teaching licenses as the commission considers necessary for opera-
5 tion of the public schools of the state and may prescribe the qualifications
6 for the licenses. However, no license established under the authority of this
7 subsection is required for a regular classroom teaching position in the public
8 schools.

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

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

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

19 “(C) Documentation as required by the commission for the purposes of
20 conducting a criminal records check as provided in ORS 181A.195 and a
21 background check through an interstate clearinghouse of revoked and sus-
22 pended licenses.

23 “(b) Subject to the results of the criminal records check and background
24 check and to information received under ORS 342.143 (2), the commission
25 shall approve the application for registration. The commission may deny a
26 request for registration only on the basis of the criminal records check, the
27 background check through an interstate clearinghouse of revoked and sus-
28 pended licenses or the information received under ORS 342.143 (2). The reg-
29 istration is valid for a term established by the commission and, subject to
30 information received under ORS 342.143 (2), may be renewed upon joint ap-

1 plication from the teacher or administrator and the public charter school.

2 “(c) A registration as a public charter school teacher qualifies its holder
3 to accept the teaching position described in the application in the public
4 charter school that submitted the application with the holder of the regis-
5 tration.

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

10 “(6)(a) The Teacher Standards and Practices Commission shall adopt an
11 expedited process for the issuance of any license established pursuant to this
12 section. The expedited process may require the following:

13 “(A) The showing of an urgent situation; and

14 “(B) The joint request for the expedited process from the applicant for the
15 license and:

16 “(i) The school district superintendent or school district board;

17 “(ii) The public charter school governing body; or

18 “(iii) The education service district superintendent or board of directors
19 of the education service district.

20 “(b) Except as provided by paragraph (c) of this subsection, the commis-
21 sion shall issue a license as provided by this subsection within two working
22 days after receiving a completed application.

23 “(c) The commission may limit the number of applications the commission
24 will accept under this subsection from a school district or an education ser-
25 vice district to not more than 100 applications in a period of two working
26 days.

27 “(d) For purposes of this subsection, the commission may not distinguish
28 between a school district or an education service district involved in a labor
29 dispute and any other school district or education service district.

30 **“(7) The Teacher Standards and Practices Commission shall employ**

1 at least one individual for the purpose of assisting persons in becoming
2 licensed or registered by the commission.

3

4

“EDUCATION WORKFORCE DATA SYSTEM

5

6 **“SECTION 16.** The Teacher Standards and Practices Commission,
7 in partnership with the University of Oregon, shall establish a
8 workforce data system for the purpose of gathering data on the needs
9 of the education workforce serving students in kindergarten through
10 grade 12.

11 **“SECTION 17.** Notwithstanding any other law limiting expenditures,
12 the amount of \$_____ is established for the biennium ending June 30,
13 2023, as the maximum limit for payment of expenses by the Teacher
14 Standards and Practices Commission from the American Rescue Plan
15 Act Coronavirus State Fiscal Recovery Fund moneys received by the
16 Oregon Department of Administrative Services and transferred to the
17 Teacher Standards and Practices Commission to be used as provided
18 by section 16 of this 2022 Act.

19 **“SECTION 18.** Section 16 of this 2022 Act is repealed on January 2,
20 2024.

21

22

“CAPTIONS

23

24 **“SECTION 19.** The unit captions used in this 2022 Act are provided
25 only for the convenience of the reader and do not become part of the
26 statutory law of this state or express any legislative intent in the
27 enactment of this 2022 Act.

28

29

“EMERGENCY CLAUSE

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1 **“SECTION 20. This 2022 Act being necessary for the immediate**
2 **preservation of the public peace, health and safety, an emergency is**
3 **declared to exist, and this 2022 Act takes effect on its passage.”.**

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