

DRAFT

SUMMARY

Digest: Moves certain duties, functions and powers of state education from TSPC and EAC to ODE. (Flesch Readability Score: 61.8).

Transfers certain duties, functions and powers related to teaching, administrative and personnel licensure from the Teacher Standards and Practices Commission to the Department of Education. Retains commission duties, functions and powers related to licensure standards and licensee discipline.

Directs the Department of Education to establish the Educator Advancement Council.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to state education governance; creating new provisions; amending
3 ORS 181A.180, 326.726, 329.496, 329.603, 329.788, 336.635, 336.680, 338.120,
4 338.135, 339.250, 339.370, 339.372, 339.374, 339.378, 339.388, 339.389, 339.390,
5 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130,
6 342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173,
7 342.175, 342.176, 342.177, 342.183, 342.192, 342.195, 342.200, 342.202, 342.203,
8 342.223, 342.350, 342.390, 342.420, 342.425, 342.430, 342.443, 342.455, 342.465,
9 342.475, 342.485, 342.553, 342.621, 342.856, 342.940, 342.971, 343.328, 344.059,
10 348.295, 419B.005, 419B.019, 419B.035, 675.520, 676.866, 681.230 and 681.360
11 and section 4, chapter 756, Oregon Laws 2015, and section 9a, chapter 518,
12 Oregon Laws 2021; repealing ORS 342.410 and 344.062; and declaring an
13 emergency.

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

15 **SECTION 1. The duties, functions and powers of the Teacher Stan-**

1 **dards and Practices Commission relating to:**

2 (1) **The issuance of any teaching, administrative or personnel ser-**
3 **vice license and the investigation of any person holding a teaching,**
4 **administrative or personnel service license are transferred to and**
5 **vested in the Department of Education.**

6 (2) **The establishment of professional development requirements is**
7 **transferred to and vested in the Department of Education.**

8 (3) **The approval of educator preparation providers and education**
9 **preparation programs is transferred to and vested in the Department**
10 **of Education.**

11 **SECTION 2.** ORS 342.350 is amended to read:

12 342.350. (1) [*There is created a Teacher Standards and Practices Commis-*
13 *sion consisting*] **The Teacher Standards and Practices Commission is**
14 **established. The purposes of the commission are to:**

15 (a) **Adopt rules and standards related to teaching, administrative**
16 **and personnel service licenses, as those licenses are issued by the De-**
17 **partment of Education; and**

18 (b) **Oversee disciplinary proceedings and impose discipline on de-**
19 **partment licensees.**

20 (2) **The commission consists** of 17 members appointed by the Governor
21 subject to confirmation by the Senate in the manner provided in ORS 171.562
22 and 171.565.

23 [(2)] (3) The term of office of a member is three years. Before the expi-
24 ration of the term of a member, the Governor shall appoint a successor to
25 assume the duties on January 1 next following. A member is eligible for re-
26 appointment but only for one additional term. In case of a vacancy for any
27 cause, the Governor shall make an appointment to become immediately ef-
28 fective for the unexpired term.

29 [(3)] (4) Any member who through change of employment standing or
30 other circumstances no longer meets the criteria for the position to which
31 the member was appointed shall no longer be eligible to serve in that posi-

1 tion, and the position on the commission shall become vacant 60 days fol-
2 lowing the member's change in circumstances.

3 **SECTION 3.** ORS 181A.180 is amended to read:

4 181A.180. Whenever any court or district attorney receives a disposition
5 report and the court or district attorney has cause to believe that the ar-
6 rested person who is the subject of the report is an employee of a school
7 district or is licensed as a school teacher or administrator and that the
8 charge involves a violation of any crime listed in ORS 342.143 (3), the court
9 or district attorney shall cause [*the Teacher Standards and Practices Com-*
10 *mission and*] the Department of Education to be sent a copy of the completed
11 disposition report.

12 **SECTION 4.** ORS 326.726 is amended to read:

13 326.726. (1) The Department of Education shall designate a dyslexia spe-
14 cialist for the department to provide school districts with support and re-
15 sources that are necessary to:

16 (a) Assist students with dyslexia and their families; and

17 (b) Comply with the requirements of this section.

18 (2) Each school district shall ensure that at least one kindergarten
19 through grade five teacher in each kindergarten through grade five school
20 has received training related to dyslexia. The training must comply with the
21 requirements described in subsection (3) of this section.

22 (3) For the purpose of subsection (2) of this section, a training opportu-
23 nity related to dyslexia must:

24 (a) Comply with the knowledge and practice standards of an international
25 organization on dyslexia;

26 (b) Enable the teacher to understand and recognize dyslexia; and

27 (c) Enable the teacher to implement instruction that is systematic, ex-
28 plicit and evidence-based to meet the educational needs of students with
29 dyslexia.

30 (4) The department shall annually develop a list of training opportunities
31 related to dyslexia that satisfy the requirements described in subsection (3)

1 of this section. The list must:

2 (a) Be developed [*in collaboration with the Teacher Standards and Prac-*
3 *tices Commission*] to ensure that the training opportunities also satisfy pro-
4 fessional development requirements; and

5 (b) Include at least one opportunity that is provided entirely online.

6 (5) Each school district shall ensure that every student is screened for
7 risk factors of dyslexia using a screening test identified by the department
8 when the student is in:

9 (a) Kindergarten, if the student first enrolls at a public school in this
10 state for kindergarten; or

11 (b) First grade, if the student first enrolls in a public school in this state
12 for first grade.

13 (6) For the purpose of subsection (5) of this section, the department shall:

14 (a) Identify screening tests that are cost effective. The tests administered
15 to students in kindergarten must take into account the following factors:

16 (A) Phonological awareness;

17 (B) Rapid naming skills;

18 (C) The correspondence between sounds and letters; and

19 (D) Family history of difficulty in learning to read, if the student shows
20 risk factors for reading difficulties, including dyslexia.

21 (b) Provide guidance for notifications to be sent by school districts to
22 parents of students who are identified as having risk factors for reading
23 difficulties, including dyslexia.

24 (7) The department shall develop guidance regarding best practices for
25 assisting students who are identified through screening or through parental
26 input as showing risk factors or being at risk for reading difficulties, in-
27 cluding dyslexia. The department shall make the guidance available to school
28 districts.

29 (8)(a) A school district that does not comply with the requirements of
30 subsection (2) of this section and that does not secure a waiver from the
31 department within the time required by the State Board of Education by rule

1 is considered nonstandard under ORS 327.103.

2 (b) The board shall adopt by rule the criteria for a waiver from the re-
3 quirements of subsection (2) of this section to address instances when non-
4 compliance is outside the control of the school district.

5 **SECTION 5.** ORS 329.496 is amended to read:

6 329.496. (1)(a) Every public school student in kindergarten through grade
7 five, and every public school student in grade six at a school that teaches
8 kindergarten through grade six, shall participate in physical education for
9 the entire school year for at least 150 minutes during each school week.

10 (b) Except as provided by paragraph (a) of this subsection, every public
11 school student in grades six through eight shall participate in physical edu-
12 cation for at least an average of 150 minutes during each school week, as
13 calculated over the duration of a school year.

14 (c) Notwithstanding the time requirements established by paragraphs (a)
15 and (b) of this subsection, the State Board of Education shall adopt rules
16 that prorate the time requirements for:

17 (A) School weeks with scheduled school closures, including closures for
18 holidays, inservice days and days scheduled for parent-teacher conferences;

19 (B) School weeks with unscheduled school closures, including closures for
20 inclement weather and emergencies;

21 (C) School weeks with out-of-school activities that occur during usual
22 school hours, including field trips and outdoor school programs;

23 (D) Part-time school programs, including half-day kindergarten; and

24 (E) Irregular class schedules, including class schedules based on a four-
25 day week.

26 (d) School districts and public charter schools are not required to comply
27 with the time requirements established by paragraphs (a) and (b) of this
28 subsection for school years during the biennium in which the total amounts
29 appropriated or allocated to the State School Fund and available for dis-
30 tribution to school districts are less than the amounts determined to be
31 needed for school districts through the State School Fund under the tenta-

1 tive budget prepared as provided by ORS 291.210. After the beginning of a
2 biennium, a school district or a public charter school may cease to comply
3 with the time requirements established by paragraphs (a) and (b) of this
4 subsection if the amounts appropriated or allocated to the State School Fund
5 and available for distribution to school districts are less than the amounts
6 determined to be needed for distribution through the State School Fund, as
7 calculated under ORS 291.210.

8 (2) School districts and public charter schools shall offer instruction in
9 physical education that meets the academic content standards for physical
10 education adopted by the State Board of Education under ORS 329.045. The
11 instruction shall be a sequential, developmentally appropriate curriculum
12 that is designed, implemented and evaluated to help students develop the
13 knowledge, motor skills, self-management skills, attitudes and confidence
14 needed to adopt and maintain physical activity throughout their lives.

15 (3)(a) School districts and public charter schools shall devote at least 50
16 percent of physical education class time to actual physical activity in each
17 school week, with as much class time as possible spent in moderate physical
18 activity.

19 (b)(A) For the purpose of satisfying the time requirements established by
20 subsection (1)(a) of this section, school districts and public charter schools
21 may provide up to 45 minutes of activities during each school week that:

22 (i) Meet the academic content standards for physical education adopted
23 by the State Board of Education under ORS 329.045;

24 (ii) Are provided for students by a teacher whose license allows the
25 teacher to provide instruction in physical education to those students, even
26 if the teacher does not have a physical education endorsement; and

27 (iii) Have been reviewed by a licensed teacher with a physical education
28 endorsement.

29 (B) The Department of Education shall:

30 (i) Review and, as appropriate, approve activities that are developed by
31 nonprofit professional organizations representing health and physical educa-

1 tion educators if the activities meet the requirements of subparagraph (A)
2 of this paragraph; and

3 (ii) Make available to school districts and public charter schools a list
4 of activities approved as provided by this subparagraph.

5 (C) School districts and public charter schools may provide activities that
6 meet the requirements of subparagraph (A) of this paragraph even if the ac-
7 tivities are not approved as provided by subparagraph (B) of this paragraph.

8 (4)(a) Notwithstanding subsections (1) and (3) of this section, a student
9 with disabilities shall have suitably adapted physical education incorporated
10 as part of the individualized education program developed for the student
11 under ORS 343.151.

12 (b) Notwithstanding subsections (1) and (3) of this section, a student who
13 does not have an individualized education program but has chronic health
14 problems, other disabling conditions or other special needs that preclude the
15 student from participating in regular physical education instruction shall
16 have suitably adapted physical education incorporated as part of an individ-
17 ualized health plan developed for the student by the school district or public
18 charter school.

19 (5) School districts and public charter schools shall assess school curric-
20 ula at regular intervals to measure the attainment of the minimum number
21 of minutes that students are required to participate in physical education
22 under this section.

23 (6)(a) All teachers of physical education for public school students in
24 kindergarten through grade eight shall be adequately prepared and shall
25 regularly participate in professional development activities to effectively de-
26 liver the physical education program.

27 (b)(A) Notwithstanding any licensing or endorsement requirements estab-
28 lished by the Teacher Standards and Practices Commission **by rule**, a
29 teacher with an elementary multiple subject endorsement may instruct stu-
30 dents in activities described in subsection (3)(b) of this section if the activ-
31 ities are reviewed by a licensed teacher with a physical education

1 endorsement.

2 (B) A teacher described in this paragraph may provide instruction in ac-
3 tivities described in subsection (3)(b) of this section to students who are not
4 regularly taught by the teacher as long as the instruction in the activities
5 to students who are not regularly taught by the teacher does not exceed 45
6 minutes during each school week. Nothing in this subparagraph allows a
7 school district to employ a teacher for the sole purpose of providing in-
8 struction in activities described in subsection (3)(b) of this section.

9 (7) A school district that does not comply with the requirements of this
10 section is considered to be nonstandard under ORS 327.103.

11 (8)(a) Notwithstanding subsection (7) of this section and pursuant to rules
12 adopted by the State Board of Education, the Superintendent of Public In-
13 struction may grant a waiver of the requirements of this section to a school
14 district or a public charter school if the superintendent finds that the school
15 district or public charter school is unable to meet the requirements because
16 of a human-created disaster or a natural disaster.

17 (b) A waiver granted under this subsection may be:

18 (A) In whole or in part of the requirements prescribed by this section; and

19 (B) Granted for only one school year, but may be renewed for subsequent
20 school years based on rules adopted by the board if the school district or
21 public charter school continues to be impacted by the disaster.

22 **SECTION 6.** ORS 329.603 is amended to read:

23 329.603. (1) Each school district must provide a coordinated comprehen-
24 sive school counseling program to support the academic, career, personal and
25 social development of each student and to develop the sense of community
26 involvement for each student.

27 (2) A coordinated comprehensive program may be designed, delivered or
28 otherwise implemented by:

29 (a) A person who is licensed by the [*Teacher Standards and Practices*
30 *Commission*] **Department of Education** as a school counselor;

31 (b) A person who is licensed by the [*commission*] **department** as a school

1 social worker; or

2 (c) Any combination of persons qualified to implement the program, as
3 determined under rules adopted by the State Board of Education.

4 (3) Nothing in this section may be construed to allow a person, including
5 but not limited to a licensed school social worker:

6 (a) Who is licensed by the [*commission*] **department** to practice outside
7 of the scope of the person's license; or

8 (b) To practice within the scope of a license not held by that person.

9 **SECTION 7.** ORS 329.788 is amended to read:

10 329.788. As used in ORS 329.788 to 329.820:

11 (1) "Beginning administrator" means a principal or superintendent who:

12 (a) Possesses an administrative license issued by the [*Teacher Standards*
13 *and Practices Commission*] **Department of Education**;

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

15 (c) Has been assigned for fewer than two school years in the
16 administrator's present position.

17 (2) "Beginning teacher" means a teacher who:

18 (a) Possesses a teaching license issued by the [*Teacher Standards and*
19 *Practices Commission*] **Department of Education**;

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

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

24 (3) "Educator network" means an educator network established under
25 ORS 342.943.

26 (4) "Mentor" means an individual who:

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

28 (b) Has met established best practice and research-based criteria as de-
29 fined by the Educator Advancement Council by rule;

30 (c) Possesses a teaching or administrative license issued by the [*Teacher*
31 *Standards and Practices Commission*] **Department of Education**;

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

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

4 (5) "Mentorship program" means a program provided by a mentor to a
5 beginning teacher or administrator that includes, but is not limited to, direct
6 classroom observation and consultation, assistance in instructional planning
7 and preparation, support in implementation and delivery of classroom in-
8 struction, development of school leadership skills and other assistance in-
9 tended to assist the beginning teacher or administrator to become a confident
10 and competent professional educator who makes a positive impact on student
11 learning.

12 **SECTION 8.** ORS 336.635 is amended to read:

13 336.635. (1) The parent or guardian of a student may enroll the student
14 in one of the proposed public alternative education programs or private al-
15 ternative education programs of instruction or instruction combined with
16 counseling if:

17 (a) The enrollment is necessary to meet the student's educational needs
18 and interests.

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

20 (c) For a program in a school district in which the student is a resident,
21 the resident school district approves the enrollment.

22 (d) For a program in a school district in which the student is not a resi-
23 dent, the resident school district and the attending school district approve
24 the enrollment.

25 (e) For a private alternative education program, the program is registered
26 with the Department of Education.

27 (2) If the student is eligible for special education under ORS 343.221 to
28 343.236 and 343.261 to 343.295, the program must be approved by the Depart-
29 ment of Education prior to the placement of the student in the program.

30 (3) A student enrolled pursuant to this section is considered enrolled in
31 the schools of the district offering the program for purposes of the distrib-

1 ution of the State School Fund.

2 (4) An alternative education program that is offered to a student who is
3 not a resident of the school district may bill tuition to the school district
4 where the student is a resident. The billing may be made annually or at the
5 end of each term or semester of the alternative education program. For each
6 full-time equivalent student enrolled in the alternative education program,
7 the resident school district shall pay the actual cost of the program or an
8 amount at least equivalent to 80 percent of the district's estimated current
9 year's average per student net operating expenditure, whichever is less, in
10 accordance with rules adopted by the State Board of Education. The alter-
11 native education program is accountable for the expenditures of all State
12 School Fund moneys and other local school support moneys and shall provide
13 the resident school district with an annual statement of the expenditures.

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

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

22 (7) Any preliminary teaching license, professional teaching license or
23 distinguished teacher leader license issued by the [*Teacher Standards and*
24 *Practices Commission*] **Department of Education** is valid for teaching all
25 subjects and grade levels in an alternative education program operated by a
26 school district or education service district.

27 **SECTION 9.** ORS 336.680 is amended to read:

28 336.680. (1) As used in this section, "approved recovery school" means a
29 school that is under an agreement with the Department of Education to
30 provide students enrolled in the school with a holistic approach to:

31 (a) Educational services for grades 9 through 12; and

1 (b) Health care services related to recovery from substance use disorders.

2 (2) The department shall provide or cause to be provided appropriate ed-
3 ucation for students enrolled in an approved recovery school. For the pur-
4 pose of paying the costs of providing education to students enrolled in an
5 approved recovery school, the Superintendent of Public Instruction shall
6 make the following:

7 (a) Payments from amounts available from the State School Fund under
8 ORS 327.029.

9 (b) Payments from the Statewide Education Initiatives Account, as pro-
10 vided by rule adopted by the State Board of Education in collaboration with
11 the advisory committee convened under ORS 336.685. The rules adopted as
12 provided by this paragraph may include a minimum amount, a maximum
13 amount or both for approved recovery schools.

14 (3) The Superintendent of Public Instruction may contract with a school
15 district, an education service district or a public charter school to provide
16 or cause to be provided appropriate education to students enrolled in an
17 approved recovery school. Unless otherwise specified, any educational ser-
18 vices provided under a contract entered into under this subsection shall be
19 paid as described in this section and not by any other state moneys distrib-
20 uted based on average daily membership that are available to the school
21 district, education service district or public charter school for the purpose
22 of providing educational services.

23 (4) The State Board of Education shall adopt by rule the standards for a
24 recovery school to become and operate as an approved recovery school. The
25 standards must provide that:

26 (a) The recovery school must align, to the extent identified by the board,
27 with standards for accreditation established by a nonprofit accrediting or-
28 ganization composed of representatives of recovery schools and individuals
29 who support the growth of recovery schools. The standards must include re-
30 quirements that:

31 (A) The recovery school, in compliance with timelines established by the

1 department, be accredited by a nonprofit accrediting organization that es-
2 tablishes standards for recovery schools. Nothing in this subparagraph re-
3 quires the recovery school to be accredited at the time the superintendent
4 first enters into a contract with the recovery school.

5 (B) Student enrollment in the recovery school is voluntary. No school
6 district or state or local agency may compel or otherwise require a student
7 to enroll in a recovery school. Students enrolled in an approved recovery
8 school may not be counted in determining the number of pupils in average
9 daily membership for purposes of ORS 334.175 (5).

10 (C) All students who reside in this state and who meet the eligibility
11 criteria established under subsection (8) of this section may enroll in an ap-
12 proved recovery school if space is available. If space is not available, the
13 approved recovery school may prioritize for enrollment student groups iden-
14 tified in ORS 327.180 (2)(b).

15 (D) The school district, education service district or public charter school
16 with which the department has entered into a contract for a recovery school
17 must agree to award high school diplomas, modified diplomas, extended di-
18 plomas and alternative certificates as provided by ORS 329.451 and 339.877.
19 An entity that awards high school diplomas as provided by this subpara-
20 graph:

21 (i) May not impose requirements for a high school diploma that are in
22 addition to the requirements prescribed by ORS 329.451 (2)(a) or by rule of
23 the State Board of Education; and

24 (ii) Must accept any credits previously earned by students in another
25 school or educational program in this state and apply those credits toward
26 the requirements prescribed by ORS 329.451 (2)(a) or by rule of the State
27 Board of Education.

28 (E) Except as provided by subparagraph (F) of this paragraph, the recov-
29 ery school must satisfy the same laws that apply to public charter schools
30 under ORS 338.115.

31 (F) All administrators and teachers at the recovery school must be li-

1 censed by the [*Teacher Standards and Practices Commission*] **department**.

2 (b) Recovery schools will be approved, to the greatest extent practicable,
3 in a manner that:

4 (A) Represents a geographic distribution across this state; and

5 (B) Takes into consideration the needs for services by the community in
6 which the recovery school would be located.

7 (5) Any school that provides the services of a recovery school may enter
8 into a contract with the superintendent to become an approved recovery
9 school, including schools already providing the services of a recovery school
10 and schools that are proposing to provide the services of a recovery school.

11 (6) An approved recovery school may enter into agreements with other
12 entities, including community-based organizations and federally recognized
13 tribes of this state, for the purposes of providing educational and health care
14 services to students enrolled in the approved recovery school.

15 (7)(a) The department shall be responsible for:

16 (A) Identifying, locating and evaluating students enrolled in an approved
17 recovery school who may be in need of special education and related ser-
18 vices; and

19 (B) Ensuring that eligible students receive special education and related
20 services.

21 (b) For the purpose of this subsection, the department may enter into a
22 contract with a school district or an education service district.

23 (8) The department shall establish eligibility criteria for students to en-
24 roll in an approved recovery school, based on input from the advisory com-
25 mittee convened under ORS 336.685 and based on research from a nonprofit
26 organization composed of representatives of recovery schools and individuals
27 who support the growth of recovery schools and other relevant organizations.

28 (9) For the purposes of administering this section:

29 (a) The State Board of Education shall adopt any necessary rules.

30 (b) The department shall collaborate with the Oregon Health Authority,
31 the Youth Development Division, the Alcohol and Drug Policy Commission,

1 the Oregon Youth Authority, the Department of Human Services and local
2 public health and mental health authorities or providers and shall coordi-
3 nate, to the greatest extent practicable, funding of services provided in re-
4 lation to approved recovery schools.

5 (10) Each biennium, the Department of Education shall prepare a report
6 on the progress, successes and challenges of approved recovery schools and
7 submit that report to:

8 (a) The interim committees of the Legislative Assembly related to educa-
9 tion; and

10 (b) The advisory committee convened under ORS 336.685.

11 **SECTION 10.** ORS 338.120 is amended to read:

12 338.120. (1) In addition to any other requirements of this chapter for a
13 public charter school, a virtual public charter school must have:

14 (a) A plan for academic achievement that addresses how the school will
15 improve student learning and meet academic content standards required by
16 ORS 329.045.

17 (b) Performance criteria the school will use to measure the progress of
18 the school in meeting the academic performance goals set by the school for
19 its first five years of operation.

20 (c) A plan for implementing the proposed education program of the school
21 by directly and significantly involving parents and guardians of students
22 enrolled in the school and involving the professional employees of the school.

23 (d) A budget, business plan and governance plan for the operation of the
24 school.

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

26 (A) Monitor and track student progress and attendance; and

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

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

30 (A) All superintendents, assistant superintendents and principals of the
31 school are licensed to administer by the [*Teacher Standards and Practices*

1 *Commission*] **Department of Education**; and

2 (B) Teachers who are licensed to teach by the [*Teacher Standards and*
3 *Practices Commission*] **department** teach at least 95 percent of the school's
4 instructional hours.

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

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

9 (B) If the sponsor is the State Board of Education, at a central office lo-
10 cated in Oregon and as specified in the charter of the school.

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

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

14 (B) Is offered an Internet service cost reimbursement arrangement under
15 which the school reimburses the parent or guardian of the student, at a rate
16 set by the school, for the costs of obtaining Internet service at the minimum
17 connection speed required to effectively access the education program pro-
18 vided by the school; or

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

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

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

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

1 (L) A plan to provide opportunities for face-to-face meetings between
2 teachers and students enrolled in the school at least six times each school
3 year.

4 (m) A plan to provide, at the time of a student's enrollment, written no-
5 tice to the sponsor and, if different, to the school district where the student
6 is a resident. Notification must be provided within 10 days after enrollment
7 and must include:

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

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

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

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

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

18 (C) The last day on which the student was enrolled at the virtual public
19 charter school.

20 (o) An agreement to provide a student's education records to the student's
21 resident school district or to the sponsor, upon request of the resident school
22 district or sponsor.

23 (2) For a virtual public charter school:

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

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

27 (B) A member of the governing body of the virtual public charter school;

28 or

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

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

5 (3) If a virtual public charter school enters into a contract with a third-
6 party entity to provide educational services for the virtual public charter
7 school:

8 (a) No employee or member of the governing board of the third-party en-
9 tity may attend an executive session of the school district board of the
10 school district that is the sponsor of the virtual public charter school;

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

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

18 (d) The virtual public charter school must have on file the third-party
19 entity's budget for the provision of educational services and that budget must
20 itemize:

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

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

27 (4)(a) The sponsor or a member of the public may request access to any
28 of the documents described in subsections (1) and (3)(d) of this section that
29 are public records, as provided by ORS 192.311 to 192.478.

30 (b) Upon request by a sponsor or a member of the public, a virtual public
31 charter school must provide reasonable access to the documents described in

1 subsections (1) and (3)(d) of this section that are public records, as provided
2 by ORS 192.311 to 192.478. The documents may be provided electronically.

3 **SECTION 11.** ORS 338.135 is amended to read:

4 338.135. (1) Employee assignment to a public charter school shall be vol-
5 untary.

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 unless:

18 (A) The employee is an administrator who does not have any teaching
19 responsibilities; and

20 (B) Both the executive officer of the sponsor and the public charter school
21 governing body approve employment by the for-profit entity. The executive
22 officer or governing body may choose to grant approval under this subpara-
23 graph:

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

26 (ii) Based on the job categories of the employees who meet the description
27 in subparagraph (A) of this paragraph; or

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

30 (3) The school district board of the school district within which the public
31 charter school is located shall grant a leave of absence to any employee who

1 chooses to work in the public charter school. The length and terms of the
2 leave of absence shall be set by negotiated agreement or by board policy.
3 However, the length of the leave of absence may not be less than two years
4 unless:

5 (a) The charter of the public charter school is terminated or the public
6 charter school is dissolved or closed during the leave of absence; or

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

9 (4) An employee of a public charter school operating within a school
10 district who is granted a leave of absence from the school district and re-
11 turns to employment with the school district shall retain seniority and ben-
12 efits as an employee pursuant to the terms of the leave of absence.
13 Notwithstanding ORS 243.650 to 243.809, a school district that was the em-
14 ployer of an employee of a public charter school not operating within the
15 school district may make provisions for the return of the employee to em-
16 ployment with the school district.

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

20 (b) For purposes of determining the salary paid to an active member of
21 the Public Employees Retirement System under ORS 238A.005 (17) during the
22 period between August 29, 2003, and January 1, 2020, remuneration paid to
23 a member in return for services to a public charter school is deemed
24 includable in the member's taxable income under Oregon law during a period
25 of continuous employment with any public charter school if:

26 (A) The member was hired in a qualifying position by any public charter
27 school on or after August 29, 2003;

28 (B) The member was informed in writing by the public charter school
29 during the period of continuous employment that the member was eligible
30 to participate in the Public Employees Retirement System and the public
31 charter school made contributions to the system on the member's behalf;

1 (C) The remuneration was, or would have been if the member were an
2 Oregon resident, includable in the member's taxable income under Oregon
3 law during the period of continuous employment; and

4 (D) The member resided and performed services in the United States
5 during the period of continuous employment.

6 (c) As used in this subsection, "continuous employment" means employ-
7 ment with a public charter school that is not interrupted by a period of more
8 than 30 consecutive calendar days.

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

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

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

16 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-
17 half of the total full-time equivalent (FTE) teaching and administrative staff
18 at the public charter school shall be licensed by the [*commission*] **depart-**
19 **ment** pursuant to ORS 342.125.

20 (8) Notwithstanding ORS 243.650, a public charter school shall be con-
21 sidered a school district for purposes of ORS 243.650 to 243.809. An employee
22 of a public charter school may be a member of a labor organization or or-
23 ganize with other employees to bargain collectively. Bargaining units at the
24 public charter school may be separate from other bargaining units of the
25 sponsor or of the school district in which the public charter school is lo-
26 cated. Employees of a public charter school may be part of the bargaining
27 units of the sponsor or of the school district in which the public charter
28 school is located.

29 (9) An entity described in ORS 338.005 (4) may not waive the right to
30 sponsor a public charter school in a collective bargaining agreement.

31 **SECTION 12.** ORS 339.250 is amended to read:

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

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

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

8 (A) Willful disobedience;

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

10 (C) Possession or distribution of tobacco, alcohol, drugs or other con-
11 trolled substances;

12 (D) Use or display of profane or obscene language;

13 (E) Willful damage or injury to school property;

14 (F) Use of threats, intimidation, harassment or coercion against a student
15 or a school employee;

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

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

19 (b) Must require consideration of the age of a student and the past pat-
20 tern of behavior of a student prior to imposing the suspension or expulsion
21 of a student.

22 (c) Must limit the use of expulsion to the following circumstances:

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

25 (B) When other strategies to change student conduct have been ineffec-
26 tive, except that expulsion may not be used to address truancy; or

27 (C) When the expulsion is required by law.

28 (d) In addition to any limitations imposed by paragraph (c) of this sub-
29 section, for a student who is in fifth grade or lower, must limit the use of
30 out-of-school suspension or of expulsion to the following circumstances:

31 (A) For nonaccidental conduct causing serious physical harm to a student

1 or school employee;

2 (B) When a school administrator determines, based upon the
3 administrator's observation or upon a report from a school employee, that
4 the student's conduct poses a direct threat to the health or safety of students
5 or school employees; or

6 (C) When the suspension or expulsion is required by law.

7 (e) When an out-of-school suspension is imposed as provided under para-
8 graph (d) of this subsection, must require the school district to take steps
9 to prevent the recurrence of the behavior that led to the out-of-school sus-
10 pension and return the student to a classroom setting so that the disruption
11 of the student's academic instruction is minimized.

12 (f) Must be limited so that:

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

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

15 (g) Notwithstanding ORS 336.010, may require a student to attend school
16 during nonschool hours as an alternative to suspension if the total number
17 of hours does not exceed the equivalent of 10 school days.

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

21 (a) Defines and helps create a learning environment that students respect;

22 (b) Defines acceptable norms of behavior for students and the types of
23 behavior that are subject to discipline;

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

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

28 (e) Makes the system of consequences known to the school community
29 through the dissemination of information to students, parents, legal guardi-
30 ans and school district employees.

31 (4) Each district school board shall adopt written policies on managing

1 students who threaten violence or harm in public schools. The policies
2 adopted by a district school board under this section shall include all of the
3 following:

4 (a) Staff reporting methods.

5 (b) Provisions that allow an administrator to consider and implement any
6 of the following options:

7 (A) Immediately removing from the classroom setting any student who has
8 threatened to injure another person or to severely damage school property.

9 (B) Placing the student in a setting where the behavior will receive im-
10 mediate attention, including, but not limited to, the office of the school
11 principal, vice principal, assistant principal, counselor or a school psychol-
12 ogist licensed by the [*Teacher Standards and Practices Commission*] **De-**
13 **partment of Education** or the office of any licensed mental health
14 professional.

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

24 (c) The requirement that an administrator provide to the parent or legal
25 guardian of the student notification that describes the student's behavior and
26 the school's response.

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

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

31 (a) Protect students and school employees from harm;

- 1 (b) Provide opportunities for students to learn from their mistakes;
- 2 (c) Foster positive learning communities;
- 3 (d) Keep students in school and attending class;
- 4 (e) Impose disciplinary sanctions without bias against students from a
5 protected class, as defined in ORS 339.351;
- 6 (f) Implement a graduated set of age-appropriate responses to misconduct
7 that are fair, nondiscriminatory and proportionate in relation to each
8 student's individual conduct;
- 9 (g) Employ a range of strategies for prevention, intervention and disci-
10 pline that take into account a student's developmental capacities and that
11 are proportionate to the degree and severity of the student's misbehavior;
- 12 (h) Propose, prior to a student's expulsion or leaving school, alternative
13 programs of instruction or instruction combined with counseling for the
14 student that are appropriate and accessible to the student in the following
15 circumstances:
- 16 (A) Following a second or subsequent occurrence within any three-year
17 period of a severe disciplinary problem with the student; or
- 18 (B) When a parent or legal guardian applies for the student's exemption
19 from compulsory attendance on a semiannual basis as provided in ORS
20 339.030 (2);
- 21 (i) To the extent practicable, use approaches that are shown through re-
22 search to be effective in reducing student misbehavior and promoting safe
23 and productive social behavior; and
- 24 (j) Ensure that school conduct and discipline codes comply with all state
25 and federal laws concerning the education of students with disabilities.
- 26 (6) Except for policies adopted under subsection (7) of this section, any
27 policies adopted under this section must provide for the dissemination of
28 information about alternative programs of instruction or instruction com-
29 bined with counseling, as described in subsection (5)(h) of this section, in
30 writing to the student and the parent, legal guardian or person in parental
31 relationship with the student at least once every six months, unless the in-

1 formation has changed because of the availability of new programs.

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

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

6 (A) Brought a firearm to a school, to school property under the jurisdic-
7 tion of the school district or to an activity under the jurisdiction of the
8 school district;

9 (B) Possessed, concealed or used a firearm in a school, on school property
10 under the jurisdiction of the school district or at an activity under the ju-
11 risdiction of the school district; or

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

14 (b) Allow exceptions:

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

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

20 (c) Allow a superintendent of a school district to:

21 (A) Modify the expulsion requirement for a student on a case-by-case ba-
22 sis.

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

31 (d) Require a referral to the appropriate law enforcement agency of any

1 student who is expelled under this subsection.

2 (e) Require an annual reporting to the Department of Education of the
3 name of each school that had an expulsion under this subsection and the
4 number of students expelled from each school.

5 (8) Each district school board shall adopt and disseminate written policies
6 for the use of physical force upon a student. The policies must allow an in-
7 dividual who is a teacher, administrator, school employee or school volunteer
8 to use reasonable physical force upon a student when and to the extent the
9 application of force is consistent with ORS 339.285 to 339.303.

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

15 (b) As used in this subsection:

16 (A) "Corporal punishment" means the willful infliction of, or willfully
17 causing the infliction of, physical pain on a student.

18 (B) "Corporal punishment" does not include:

19 (i) The use of physical force authorized by ORS 161.205 (2), (4) or (5) for
20 the reasons specified therein; or

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

24 (10) For purposes of this section, calculations of the number of school
25 days that a student is removed from a classroom setting shall be as follows:

26 (a) As a half day if the student is out of school for half, or less than half,
27 of the scheduled school day; and

28 (b) As a full day if the student is out of school for more than half of the
29 scheduled school day.

30 **SECTION 13.** ORS 339.370 is amended to read:

31 339.370. As used in ORS 339.370 to 339.400:

1 (1) "Abuse" has the meaning given that term in ORS 419B.005.

2 (2) "Agent" means a person acting as an agent for an education provider
3 in a manner that requires the person to have direct, unsupervised contact
4 with students.

5 [(3) "Commission licensee" has the meaning given that term in ORS
6 342.120.]

7 [(4)] (3) "Contractor" means a person providing services to an education
8 provider under a contract in a manner that requires the person to have di-
9 rect, unsupervised contact with students.

10 (4) "Department licensee" has the meaning given that term in ORS
11 342.120.

12 (5)(a) "Education provider" means:

13 (A) A school district, as defined in ORS 332.002.

14 (B) The Oregon School for the Deaf.

15 (C) An educational program under the Youth Corrections Education Pro-
16 gram.

17 (D) A public charter school, as defined in ORS 338.005.

18 (E) An education service district, as defined in ORS 334.003.

19 (F) An approved recovery school, as defined in ORS 336.680.

20 (G) Any state-operated program that provides educational services to
21 students.

22 (H) A private school.

23 (b) "Education provider" does not include:

24 (A) The Oregon Youth Authority;

25 (B) The Department of Corrections; or

26 (C) The Department of Education, except when functioning as an educa-
27 tion provider on behalf of the Oregon School for the Deaf.

28 (6) "Investigation" means a detailed inquiry into the factual allegations
29 of a report of suspected abuse or suspected sexual conduct that:

30 (a) Is based on interviews with the person who initiated the report, the
31 person who may have been subjected to abuse or sexual conduct, witnesses

1 and the person who is the subject of the report; and

2 (b) Results in a finding that the report:

3 (A) Is a substantiated report;

4 (B) Cannot be substantiated; or

5 (C) Is not a report of abuse or sexual conduct.

6 (7) “Law enforcement agency” has the meaning given that term in ORS
7 419B.005.

8 (8) “Licensed administrator” means a person who is employed as an ad-
9 ministrator of an education provider and who:

10 (a) Holds an administrative license issued by the [*Teacher Standards and*
11 *Practices Commission*] **Department of Education** under ORS 342.125 (3)(f)
12 or (g); or

13 (b) Does not hold an administrative license issued by the [*commission*]
14 **department** because the person is employed by an education provider that
15 does not require administrators to be licensed by the [*commission*] **depart-**
16 **ment**.

17 (9) “Private school” means a school that provides to students instruc-
18 tional programs that are not limited solely to dancing, drama, music, reli-
19 gious or athletic instruction.

20 (10) “School board” means the entity charged with adopting policies for
21 an education provider.

22 (11) “School employee” means an employee of an education provider.

23 (12)(a) “Sexual conduct” means verbal or physical conduct or verbal,
24 written or electronic communications by a school employee, a contractor, an
25 agent or a volunteer that involve a student and that are:

26 (A) Sexual advances or requests for sexual favors directed toward the
27 student; or

28 (B) Of a sexual nature that are directed toward the student or that have
29 the effect of unreasonably interfering with the student’s educational per-
30 formance, or of creating an intimidating or hostile educational environment.

31 (b) “Sexual conduct” does not include:

1 (A) Touching or other physical contact:

2 (i) That is necessitated by the nature of the school employee's job duties
3 or by the services required to be provided by the contractor, agent or vol-
4 unteer; and

5 (ii) For which there is no sexual intent.

6 (B) Verbal, written or electronic communications that are provided as
7 part of an education program that meets state educational standards or a
8 policy approved by the school board.

9 (C) Conduct or communications described in paragraph (a) of this sub-
10 section if the school employee, contractor, agent or volunteer is also a stu-
11 dent and the conduct or communications:

12 (i) Arise out of a consensual relationship between students;

13 (ii) Do not create an intimidating or hostile educational environment; and

14 (iii) Are not prohibited by law, any policies of the education provider or
15 any applicable employment agreements.

16 (13) "Student" means any person:

17 (a) Who is:

18 (A) In any grade from prekindergarten through grade 12; or

19 (B) Twenty-one years of age or younger and receiving educational or re-
20 lated services from an education provider that is not a post-secondary insti-
21 tution of education; or

22 (b) Who was previously known as a student by the person engaging in
23 sexual conduct and who left school or graduated from high school within 90
24 days prior to the sexual conduct.

25 (14) "Substantiated report" means a report of abuse or sexual conduct
26 that a law enforcement agency, the Department of Human Services, [*the*
27 *Teacher Standards and Practices Commission,*] the Department of Education
28 or an education provider has reasonable cause to believe, based on the
29 available evidence after conducting an investigation, is founded.

30 (15) "Volunteer" means a person acting as a volunteer for an education
31 provider in a manner that requires the person to have direct, unsupervised

1 contact with students.

2 **SECTION 14.** ORS 339.372 is amended to read:

3 339.372. Each school board shall adopt policies on the reporting of sus-
4 pected abuse and suspected sexual conduct by school employees, contractors,
5 agents and volunteers and the reporting of suspected abuse by students. The
6 policies shall:

7 (1) Specify that abuse and sexual conduct by school employees, contrac-
8 tors, agents and volunteers and abuse by students are not tolerated.

9 (2) Specify that all school employees, contractors, agents, volunteers and
10 students are subject to the policies.

11 (3) Require all school employees who have reasonable cause to believe
12 that another school employee or a contractor, an agent or a volunteer has
13 engaged in abuse or sexual conduct or that a student has engaged in abuse
14 to report:

15 (a) To the licensed administrator designated as provided by subsection (4)
16 of this section all incidents of suspected abuse or suspected sexual conduct;
17 and

18 (b) To a law enforcement agency or the Department of Human Services
19 as required by ORS 419B.010 and 419B.015 all incidents of suspected abuse,
20 in addition to any report made as required under paragraph (a) of this sub-
21 section.

22 (4) Designate a licensed administrator, and an alternate licensed admin-
23 istrator in the event the designated licensed administrator is the suspected
24 abuser, to:

25 (a) Receive reports of suspected abuse or suspected sexual conduct by
26 school employees, contractors, agents or volunteers or suspected abuse by
27 students and specify the procedures to be followed by the licensed adminis-
28 trator upon receipt of a report; and

29 (b) In the manner required by ORS 339.388 (2), inform [*the Teacher Stan-*
30 *ards and Practices Commission or*] the Department of Education of reports
31 of suspected sexual conduct received under paragraph (a) of this subsection.

1 (5) Specify the procedures to be followed after a report of suspected abuse
2 or suspected sexual conduct is received, including notification that:

3 (a) All suspected abuse or suspected sexual conduct by school employees,
4 contractors, agents or volunteers will be reported to a law enforcement
5 agency or to a state agency, as appropriate, for investigation;

6 (b) A law enforcement agency or a state agency will complete an inves-
7 tigation regardless of any changes in the relationship or duties of the person
8 about whom the report was made; and

9 (c) An education provider will take necessary actions as provided by ORS
10 339.388 to ensure the student's safety after a report is received, including
11 placing a school employee on paid administrative leave pending an investi-
12 gation or prohibiting a contractor, an agent or a volunteer from providing
13 services to the education provider.

14 (6) Require the posting in each school building of:

15 (a) The name and contact information for the licensed administrator and
16 alternate licensed administrator designated for the school building to receive
17 reports of suspected abuse or suspected sexual conduct by school employees,
18 contractors, agents and volunteers or suspected abuse by students and the
19 procedures the licensed administrator will follow upon receipt of a report;
20 and

21 (b) The contact information for making a report of suspected abuse to a
22 law enforcement agency or the Department of Human Services as required
23 by ORS 419B.010 and 419B.015 and a statement that the duty to report abuse
24 is in addition to any requirement to make a report to a licensed adminis-
25 trator.

26 (7) Specify that the initiation of a report in good faith about suspected
27 abuse or suspected sexual conduct may not adversely affect any terms or
28 conditions of employment or the work environment of the person who initi-
29 ated the report or who may have been subjected to abuse or sexual conduct.

30 (8) Specify that the education provider or any school employee, contrac-
31 tor, agent or volunteer will not discipline a student for the initiation of a

1 report in good faith about suspected abuse or suspected sexual conduct by
2 a school employee, a contractor, an agent or a volunteer or suspected abuse
3 by a student.

4 (9) Require notification, as allowed by state and federal law, by the edu-
5 cation provider to the person who was subjected to the suspected abuse or
6 suspected sexual conduct about any actions taken by the education provider
7 based on the report.

8 (10) Require the education provider to furnish to a school employee at the
9 time of hire, or to a contractor, an agent or a volunteer at the time of be-
10 ginning service for the education provider, the following:

11 (a) A description of conduct that may constitute abuse or sexual conduct;

12 (b) A description of the investigatory process and possible consequences
13 if a report of suspected abuse or suspected sexual conduct is substantiated;
14 and

15 (c) A description of the prohibitions imposed on school employees, con-
16 tractors and agents when another school employee, contractor or agent at-
17 tempts to obtain a new job, as provided by ORS 339.378 (2).

18 (11) Specify and make available to students, school employees, contrac-
19 tors, agents and volunteers a policy of appropriate electronic communi-
20 cations with students.

21 **SECTION 14a.** ORS 339.374 is amended to read:

22 339.374. (1) Except as provided in ORS 339.384, before an education pro-
23 vider may hire an applicant for a position with the education provider as a
24 school employee, the education provider shall:

25 (a) Require the applicant to provide:

26 (A) A list of the applicant's current and former employers who are edu-
27 cation providers.

28 (B) A written authorization that authorizes education providers identified
29 in subparagraph (A) of this paragraph to disclose the information requested
30 under paragraph (b) of this subsection.

31 (C) A written statement of whether the applicant:

1 (i) Has been the subject of a substantiated report of abuse or sexual
2 conduct; or

3 (ii) Is the subject of an ongoing investigation related to a report of sus-
4 pected abuse or suspected sexual conduct.

5 (b) Conduct a review of the employment history of the applicant with
6 education providers by contacting the three most recent education providers
7 identified in paragraph (a)(A) of this subsection and requesting from each
8 education provider:

9 (A) The dates of employment of the applicant by the education provider.

10 (B) Whether the education provider conducted an investigation and de-
11 termined that the applicant was the subject of any substantiated reports of
12 abuse or sexual conduct related to the applicant's employment with the ed-
13 ucation provider and, if so, the following additional information:

14 (i) The dates of any substantiated reports;

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

18 (iii) The standards used by the education provider to determine whether
19 any reports were substantiated.

20 (c) For an applicant who is a [*commission*] **department** licensee, request
21 the [*commission*] **Department of Education** to verify:

22 (A) That the applicant is a [*commission*] **department** licensee; and

23 (B) Whether the [*commission*] **department** has an ongoing investigation
24 or has a substantiated report relating to conduct by the applicant that may
25 constitute sexual conduct.

26 (d) For an applicant who is not a [*commission*] **department** licensee, re-
27 quest the department [*of Education*] to verify whether the department has
28 an ongoing investigation or has a substantiated report relating to conduct
29 by the applicant that may constitute sexual conduct.

30 (e) Conduct a nationwide criminal records check if required by ORS
31 326.603.

1 (2) Before an education provider may accept the services of a contractor,
2 agent or volunteer, the education provider shall:

3 (a) For a person who is a [*commission*] **department** licensee, request the
4 [*commission*] **department** to verify whether the [*commission*] **department**
5 has an ongoing investigation or has a substantiated report relating to con-
6 duct by the person that may constitute sexual conduct.

7 (b) For a person who is not a [*commission*] **department** licensee, request
8 the department [*of Education*] to verify whether the department has an on-
9 going investigation or has a substantiated report relating to conduct by the
10 person that may constitute sexual conduct.

11 (c) Conduct any background checks required under ORS 326.603, 326.604
12 or 326.607.

13 **SECTION 15.** ORS 339.378 is amended to read:

14 339.378. (1)(a) Not later than 20 days after receiving a request under ORS
15 339.374 (1)(b), an education provider that has or has had an employment re-
16 lationship with the applicant shall disclose the information requested.

17 (b) An education provider may disclose the information on a standardized
18 form and is not required to provide any additional information related to a
19 substantiated report of abuse or sexual conduct other than the information
20 that is required by ORS 339.374 (1)(b).

21 (c) Information received under this section is confidential and is not a
22 public record as defined in ORS 192.311. An education provider may use the
23 information only for the purpose of evaluating an applicant's eligibility to
24 be hired.

25 (2)(a) Except as provided by paragraphs (b) and (c) of this subsection, an
26 individual who is a school employee, a contractor or an agent may not assist
27 another school employee, contractor or agent in obtaining any new job if the
28 individual knows, or has reasonable cause to believe, that the school em-
29 ployee, contractor or agent engaged in abuse or sexual conduct.

30 (b) Nothing in paragraph (a) of this subsection prevents an education
31 provider from:

1 (A) Disclosing the information described in subsection (1) of this section;
2 or

3 (B) Providing the routine transmission of administrative and personnel
4 files.

5 (c) The prohibition prescribed by paragraph (a) of this subsection does
6 not apply if the school employee, contractor or agent knows, or has reason-
7 able cause to believe:

8 (A) That the suspected abuse or suspected sexual conduct was reported
9 to a law enforcement agency, the Department of Human Services[, *the*
10 *Teacher Standards and Practices Commission*] or the Department of Educa-
11 tion; and

12 (B) Any of the following are true:

13 (i) The report could be neither substantiated nor found to be unsubstan-
14 tiated following an investigation;

15 (ii) The report was found to be unsubstantiated;

16 (iii) The report was found to be a substantiated report; or

17 (iv) The investigation into the report remains ongoing after four years.

18 (3)(a) The **Teacher Standards and Practices** Commission may take dis-
19 ciplinary action against a school employee who is a [*commission*] **depart-**
20 **ment** licensee for failure to disclose information as required by subsection
21 (1)(a) of this section. In determining whether to take disciplinary action, the
22 commission may take into consideration any evidence presented by the
23 school employee that a longer period of time was necessary for good cause.

24 (b) Any violation of the provisions of subsection (2) of this section shall
25 be considered gross neglect of duty under ORS 342.175.

26 **SECTION 16.** ORS 339.388 is amended to read:

27 339.388. (1)(a) A school employee shall immediately submit a report as
28 provided by paragraph (b) of this subsection if the school employee has rea-
29 sonable cause to believe that:

30 (A) A student has been subjected to abuse by another school employee or
31 by a contractor, an agent, a volunteer or a student;

1 (B) A student has been subjected to sexual conduct by another school
2 employee or by a contractor, an agent or a volunteer; or

3 (C) Another school employee or a contractor, an agent or a volunteer has
4 engaged in sexual conduct.

5 (b) The report required under paragraph (a) of this subsection shall be
6 made to:

7 (A) The licensed administrator designated in the policies adopted under
8 ORS 339.372, for all reports of suspected abuse or suspected sexual conduct;
9 and

10 (B) A law enforcement agency or the Department of Human Services as
11 required by ORS 419B.010 and 419B.015, for all reports of suspected abuse.

12 (2) The licensed administrator who receives a report under subsection (1)
13 of this section shall follow the procedures required by the policies adopted
14 by the school board under ORS 339.372, including[:]

15 *[(a) Notifying the Teacher Standards and Practices Commission as soon*
16 *as possible of any reports of suspected sexual conduct that may have been*
17 *committed by a person who is a commission licensee; and]*

18 *[(b)] notifying the Department of Education as soon as possible of any*
19 *reports of suspected sexual conduct [that may have been committed by a per-*
20 *son who is not a commission licensee].*

21 (3)(a) When a licensed administrator receives a report of suspected abuse
22 or suspected sexual conduct by a school employee and there is reasonable
23 cause to support the report, the education provider shall:

24 (A) Place the school employee on paid administrative leave; and

25 (B) Take necessary actions to ensure the student's safety.

26 (b) A school employee who is placed on paid administrative leave under
27 paragraph (a) of this subsection shall remain on administrative leave until:

28 (A) For a report of suspected abuse, a law enforcement agency or the
29 Department of Human Services determines that the report:

30 (i) Is substantiated and the education provider takes the appropriate em-
31 ployment action against the school employee; or

1 (ii) Cannot be substantiated or is not a report of abuse and the education
2 provider:

3 (I) Determines that an employment policy has been violated and takes
4 appropriate employment action against the school employee; or

5 (II) Determines that an employment policy has not been violated and
6 employment action against the school employee is not required.

7 (B) For a report of suspected sexual conduct, [*the Teacher Standards and*
8 *Practices Commission or*] the Department of Education determines that the
9 report:

10 (i) Is substantiated and the education provider takes the appropriate em-
11 ployment action against the school employee; or

12 (ii) Cannot be substantiated or is not a report of sexual conduct and the
13 education provider:

14 (I) Determines that an employment policy has been violated and takes
15 appropriate employment action against the school employee; or

16 (II) Determines that an employment policy has not been violated and that
17 employment action against the school employee is not required.

18 (c) When a school employee is placed on paid administrative leave under
19 paragraph (a) of this subsection, the education provider may not require the
20 school employee to use any accrued leave during the paid administrative
21 leave.

22 (4)(a) Except as provided in paragraph (c) of this subsection, when a li-
23 censed administrator receives a report of suspected abuse or suspected sexual
24 conduct by a contractor, an agent or a volunteer, the education provider:

25 (A) May immediately prohibit the contractor, agent or volunteer from
26 providing services to the education provider.

27 (B) Shall prohibit the contractor, agent or volunteer from providing ser-
28 vices to the education provider if the education provider determines that
29 there is reasonable cause to support a report of abuse or sexual conduct.

30 (b) Except as provided in paragraph (c) of this subsection, an education
31 provider is not required to reinstate a contractor, an agent or a volunteer.

1 Any reinstatement of a contractor, an agent or a volunteer that does occur
2 may not occur until:

3 (A) For a report of suspected abuse, a law enforcement agency or the
4 Department of Human Services determines that the report:

5 (i) Is substantiated and the education provider takes the appropriate
6 actions to protect students; or

7 (ii) Cannot be substantiated or is not a report of abuse and the education
8 provider:

9 (I) Takes the appropriate actions to protect students; or

10 (II) Determines that no other actions are required to protect students.

11 (B) For a report of suspected sexual conduct, [*the Teacher Standards and*
12 *Practices Commission or*] the Department of Education determines that the
13 report:

14 (i) Is substantiated and the education provider takes the appropriate
15 actions to protect students; or

16 (ii) Cannot be substantiated or is not a report of sexual conduct and the
17 education provider:

18 (I) Takes the appropriate actions to protect students; or

19 (II) Determines that no other actions are required to protect students.

20 (c) If a contract under which a contractor provides services to an educa-
21 tion provider or an agreement under which an agent provides services to an
22 education provider sets forth any negotiated standards for the relationship
23 between the contractor or agent and the education provider, the education
24 provider shall comply with those standards but may not in any instance
25 grant the contractor or agent more rights than granted to a school employee
26 under subsection (3) of this section.

27 (d) Nothing in this subsection:

28 (A) Establishes an employment relationship between an education pro-
29 vider and a contractor or an agent; or

30 (B) Confers onto a contractor or an agent any rights of employment.

31 (5)(a) When a report of suspected abuse or suspected sexual conduct is

1 investigated by a law enforcement agency, the Department of Human
2 Services[, *the Teacher Standards and Practices Commission*] or the Depart-
3 ment of Education, an education provider may use the findings of the entity
4 that conducted the investigation for the purpose of subsection (3) or (4) of
5 this section and for making any determinations described in subsection (6)
6 of this section.

7 (b) Nothing in this subsection prohibits an education provider from:

8 (A) Conducting an investigation related to a report of suspected abuse or
9 suspected sexual conduct, except that the education provider must:

10 (i) If requested, allow the investigation to be led by an entity identified
11 in paragraph (a) of this subsection, as applicable;

12 (ii) Follow any protocols and procedures of entities identified in para-
13 graph (a) of this subsection that are involved in the investigation; and

14 (iii) Cooperate with the entities identified in paragraph (a) of this sub-
15 section that are involved in the investigation, including by:

16 (I) Suspending any investigations of the education provider at the request
17 of the entity; and

18 (II) Sharing information with the entity as provided by subsection (10) of
19 this section.

20 (B) Taking an employment action, based on information available to the
21 education provider, before an investigation conducted by an entity identified
22 in paragraph (a) of this subsection is completed.

23 (6)(a) For each report of suspected abuse or suspected sexual conduct by
24 a school employee, an education provider must determine if:

25 (A) An employment policy of the education provider was violated; and

26 (B) The education provider will take any employment actions, including
27 disciplinary action against the school employee or changes to the employ-
28 ment relationship or duties of the school employee.

29 (b) Determinations made under paragraph (a) of this subsection must be
30 based on the findings of an investigation conducted by:

31 (A) A law enforcement agency, the Department of Human Services[, *the*

1 *Teacher Standards and Practices Commission*] or the Department of Educa-
2 tion; or

3 (B) The education provider, if the education provider conducts an inves-
4 tigation.

5 (c) A final determination by a law enforcement agency, the Department
6 of Human Services[, *the Teacher Standards and Practices Commission*] or the
7 Department of Education that a report of suspected abuse or suspected sex-
8 ual conduct cannot be substantiated or is not a report of abuse or sexual
9 conduct does not:

10 (A) Relieve an education provider of the requirement to make determi-
11 nations under paragraph (a) of this subsection; or

12 (B) Prohibit an education provider from taking any employment actions
13 against a school employee.

14 (d) Except as provided by paragraph (e) of this subsection, determinations
15 made under paragraph (a) of this subsection must be made:

16 (A) Within 60 calendar days from the date the education provider received
17 from a law enforcement agency, the Department of Human Services[, *the*
18 *Teacher Standards and Practices Commission*] or the Department of Educa-
19 tion a final determination that a report of suspected abuse or suspected
20 sexual conduct involving a school employee is a substantiated report; or

21 (B) Within 90 calendar days from the date the education provider:

22 (i) Received from a law enforcement agency, the Department of Human
23 Services[, *the Teacher Standards and Practices Commission*] or the Depart-
24 ment of Education a final determination that a report of suspected abuse or
25 suspected sexual conduct involving a school employee cannot be substanti-
26 ated or is not a report of abuse or sexual conduct; or

27 (ii) Received a report of suspected abuse or suspected sexual conduct if
28 the education provider conducts an investigation.

29 (e) The timelines prescribed by paragraph (d) of this subsection may be
30 extended if, for good cause, a longer period of time is necessary. For an ed-
31 ucation provider that conducts an investigation, good cause may include

1 suspending an investigation as required by subsection (5)(b) of this section.

2 (7) If, in the course of an investigation by an education provider, the ed-
3 ucation provider becomes aware of new information that gives rise to a
4 reasonable cause to believe that abuse or sexual conduct occurred, the edu-
5 cation provider shall ensure that a report is made to a law enforcement
6 agency or the Department of Human Services as required by ORS 419B.010
7 and 419B.015[, *the Teacher Standards and Practices Commission*] or the De-
8 partment of Education.

9 (8) If, following an investigation, an education provider determines that
10 the education provider will take an employment action, the education pro-
11 vider shall:

12 (a) Inform the school employee of the employment action that will be
13 taken by the education provider.

14 (b) Provide the school employee with information about the appropriate
15 appeal process for the employment action taken by the education provider.
16 The appeal process may be the process provided by a collective bargaining
17 agreement or a process administered by a neutral third party and paid for
18 by the education provider.

19 (c) Following notice of a school employee's decision not to appeal the
20 employment action of an education provider or following the determination
21 of an appeal that sustained the employment action taken by the education
22 provider, create a record of the findings of the substantiated report and the
23 employment action taken by the education provider and place the record in
24 any documents maintained by the education provider on the school employee.
25 Records created pursuant to this paragraph are confidential and are not
26 public records as defined in ORS 192.311. An education provider may use the
27 record as a basis for providing the information required to be disclosed about
28 a school employee under ORS 339.378 (1).

29 (d) Inform the school employee that information about substantiated re-
30 ports may be disclosed to a potential employer as provided by ORS 339.378
31 (1).

1 (9)(a) Notwithstanding the requirements of this section, an education
2 provider that is a private school:

3 (A) May take an employment action in relation to a school employee, a
4 contractor, an agent or a volunteer according to:

5 (i) The provisions of this section; or

6 (ii) The standards and policies of the private school if the standards and
7 policies provide the same or greater safeguards for the protection of students
8 compared to the safeguards described in this section.

9 (B) May follow the procedures described in subsection (8) of this section
10 or may follow any appeals process established by the private school related
11 to suspected abuse or suspected sexual conduct.

12 (b) A private school that chooses to take an employment action or other
13 action in relation to a school employee, a contractor, an agent or a volunteer
14 according to the standards and policies of the private school must provide
15 the information required to be disclosed under ORS 339.378 (1).

16 (10) Upon request from a law enforcement agency, the Department of
17 Human Services[, *the Teacher Standards and Practices Commission*] or the
18 Department of Education, in conducting an investigation related to suspected
19 abuse or suspected sexual conduct, an education provider shall immediately
20 provide any requested documents or materials, to the extent allowed by state
21 and federal law, including laws protecting a person from self-incrimination.

22 **SECTION 17.** ORS 339.389 is amended to read:

23 339.389. (1) When the Department of Education receives from the Depart-
24 ment of Human Services notification of a report of abuse or receives a report
25 on the outcomes of an investigation of abuse, as provided by ORS 419B.019
26 or 419B.020, and the notification or report involves a child and a person who
27 is a school employee, contractor, agent or volunteer, the Department of Ed-
28 ucation may notify, as soon as practicable, any education provider that the
29 Department of Education determines must be notified to ensure the safety
30 of children.

31 (2) When providing notice to an education provider under subsection (1)

1 of this section, the Department of Education:

2 (a) Shall include any information the department determines is necessary
3 to ensure the safety of children, including the name of the school and the
4 name of the person who allegedly committed the suspected abuse.

5 (b) May not disclose the name and address of, or any other identifying
6 information about, the person who made the report of suspected abuse.

7 (3) The Department of Education may provide information related to the
8 notification or report received as described in subsection (1) of this section
9 to the Teacher Standards and Practices Commission if the department de-
10 termines that[:]

11 [(a) *The commission must be notified to ensure the safety of children;*
12 *and]*

13 [(b)] the notification or report involves a person who is licensed by the
14 **department and may be subject to discipline by the** commission.

15 (4)(a) Notwithstanding ORS 192.311 to 192.478, any information received
16 as provided by this section is not a public record and is not subject to public
17 inspection.

18 (b) Any person or entity who receives information under this section may
19 not release the information, unless as otherwise provided by law.

20 (5) The State Board of Education may adopt rules for the purposes of
21 implementing this section.

22 **SECTION 18.** ORS 339.390 is amended to read:

23 339.390. (1)(a) When the [*Teacher Standards and Practices Commission*]
24 **Department of Education** receives a report of suspected sexual conduct
25 that may have been committed by a [*commission*] **department** licensee, the
26 [*commission*] **department** shall immediately initiate an investigation.

27 (b) An investigation and final determination related to a report received
28 under paragraph (a) of this subsection must be completed and notification
29 of the final determination must be made to the education provider within 90
30 calendar days following the date on which the report was filed with the
31 [*commission*] **department**.

1 (c) Notwithstanding paragraph (b) of this subsection, the prescribed
2 timeline for an investigation and final determination may be extended if, for
3 good cause, a longer period of time is necessary.

4 (2) The [*commission*] **department** shall appoint an investigator and shall
5 furnish the investigator with appropriate professional and other special as-
6 sistance reasonably required to conduct an investigation. An investigator
7 appointed under this subsection is empowered to:

8 (a) Issue subpoenas to require the attendance of witnesses or the pro-
9 duction of documents;

10 (b) Subpoena witnesses; and

11 (c) Swear witnesses and compel obedience in the same manner as provided
12 under ORS 183.440 (2).

13 (3)(a) Following the completion of an investigation, the investigator shall
14 report in writing the findings and recommendations to the [*executive director*
15 *of the Teacher Standards and Practices Commission. The executive director*
16 *or the executive director's designee shall forward to the*] **Superintendent of**
17 **Public Instruction. The superintendent shall forward to the Teacher**
18 **Standards and Practices** Commission the report for any investigation that
19 concluded that a violation occurred.

20 (b) If, based on the findings, the [*executive director*] **superintendent** be-
21 lieves there is an immediate threat to a student, the [*executive director*] **su-**
22 **perintendent** shall request that the commission meet in executive session.

23 (4) The [*executive director*] **superintendent** or the investigator shall re-
24 port in writing the findings and recommendations to impose disciplinary
25 sanctions to the commission. The commission shall decide if there is suffi-
26 cient cause to justify holding a hearing under ORS 342.177.

27 (5) If the commission finds that there is sufficient cause to justify holding
28 a hearing under ORS 342.177, the commission shall notify in writing:

29 (a) The person charged, enclosing a statement of the charges and a notice
30 of opportunity for hearing;

31 (b) The student and, if applicable, the student's parents;

- 1 (c) The education provider; and
- 2 (d) The person who provided the report of suspected sexual conduct.
- 3 (6) If there is not sufficient cause to justify holding a hearing under ORS
4 342.177, the commission shall notify in writing:
- 5 (a) The person charged;
- 6 (b) The student and, if applicable, the student's parents;
- 7 (c) The education provider; and
- 8 (d) The person who provided the report of suspected sexual conduct.
- 9 (7)(a) The documents and materials used in the investigation undertaken
10 under this section, and the report related to the investigation, are confiden-
11 tial and not subject to public inspection:
- 12 (A) Unless the commission makes a final determination to discipline a
13 *[commission]* **department** licensee, as provided under ORS 342.175.
- 14 (B) Except as provided by paragraphs (b) to (d) of this subsection.
- 15 (b) Documents, materials and reports that are confidential under para-
16 graph (a) of this subsection may be disclosed to an entity listed in paragraph
17 (c) or (d) of this subsection only as provided by this subsection and rules
18 adopted by **the State Board of Education and** the commission. The entity
19 that receives documents, materials or reports must maintain their
20 confidentiality unless disclosure is allowed or required under this section or
21 other state or federal law.
- 22 (c) To the extent allowed by state and federal law, the **department and**
23 **the** commission shall make available any documents, materials and reports
24 that are confidential under paragraph (a) of this subsection to[:]
- 25 [(A)] a law enforcement agency or the Department of Human Services for
26 the purpose of conducting an investigation under ORS 419B.005 to
27 419B.050[; or]
- 28 [(B) *The Department of Education for the purpose of conducting an inves-*
29 *tigation under ORS 339.391*].
- 30 (d)(A) The *[commission]* **department** shall make available the
31 *[commission's]* **department's** investigative report to:

1 (i) An education provider for the purpose of the education provider taking
2 any disciplinary actions or making changes in the employment relationship
3 or duties of the [commission] **department** licensee; and

4 (ii) The [commission] **department** licensee who is the subject of the re-
5 port.

6 (B) The [commission] **department** must redact the [executive director's]
7 **superintendent's** recommendation from the report made available under this
8 paragraph.

9 (C) A [commission] **department** licensee who receives a report under this
10 paragraph may share the report with the person's attorney or union repre-
11 sentative. An attorney or union representative who receives a report under
12 this subparagraph must maintain the report's confidentiality unless disclo-
13 sure is allowed or required under this section or other state or federal law.

14 (e) The [commission] **department** shall retain documents and materials
15 related to any report received under this section, regardless of whether the
16 commission found sufficient cause to justify holding a hearing under this
17 section.

18 (8) Notwithstanding ORS 192.660 (6), the commission may make its
19 findings under this section in executive session. The provisions of ORS
20 192.660 (4) apply to executive sessions held pursuant to this subsection.

21 (9) The **State Board of Education and the** commission shall adopt any
22 rules necessary for the administration of this section, including a process to
23 appeal the findings of the **department or the** commission under this section.

24 **SECTION 19.** ORS 339.391 is amended to read:

25 339.391. (1)(a) When the Department of Education receives a report of
26 suspected sexual conduct that may have been committed by a school em-
27 ployee, contractor, agent or volunteer that is not a [commission] **department**
28 licensee, the department shall immediately initiate an investigation.

29 (b) An investigation and final determination related to the report received
30 under paragraph (a) of this subsection must be completed and notification
31 of the final determination must be made to the education provider within 90

1 calendar days following the date on which the report was filed with the de-
2 partment.

3 (c) Notwithstanding paragraph (b) of this subsection, the prescribed
4 timeline for an investigation and final determination may be extended if the
5 department determines that, for good cause, a longer period of time is nec-
6 essary.

7 (2) The department shall appoint an investigator and shall furnish the
8 investigator with appropriate professional and other special assistance rea-
9 sonably required to conduct an investigation. An investigator appointed un-
10 der this subsection is empowered to:

11 (a) Issue subpoenas to require the attendance of witnesses or the pro-
12 duction of documents;

13 (b) Subpoena witnesses; and

14 (c) Swear witnesses and compel obedience in the same manner as provided
15 under ORS 183.440 (2).

16 (3)(a) Following the completion of an investigation, the Department of
17 Education shall notify:

18 (A) The person charged;

19 (B) The student, the student's parents or legal guardians, or both the
20 student and the student's parents or legal guardians;

21 (C) The education provider;

22 (D) The person who provided the report of suspected sexual conduct, if
23 known by the department; and

24 (E) For a substantiated report only, any regulatory board that[:]

25 [(i) *Is not the Teacher Standards and Practices Commission; and*]

26 [(ii)] the department knows licensed, registered, certified or otherwise
27 authorized the school employee, contractor, agent or volunteer to practice a
28 profession or to provide professional services.

29 (b) The notification required under paragraph (a) of this subsection shall
30 include the following information as allowed by state and federal law:

31 (A) The statutory authority of the department to conduct the investi-

1 gation;

2 (B) The procedural background for the investigation;

3 (C) The legal standards and arguments used for the investigation;

4 (D) The department's findings of fact from the investigation;

5 (E) The department's final determination based on the investigation; and

6 (F) The right to an appeal, as provided by subsection (5) of this section.

7 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection and
8 subsection (3) of this section, the documents and materials used in the in-
9 vestigation undertaken under this section, and the report related to the in-
10 vestigation, are confidential and not subject to public inspection.

11 (b) Documents, materials and reports that are confidential under para-
12 graph (a) of this subsection may be disclosed to an entity listed in paragraph
13 (c) of this subsection, or in the manner described in subsection (3) of this
14 section, only as provided by this section and by rules adopted by the State
15 Board of Education. The person or entity that receives documents, materials
16 or reports must maintain their confidentiality unless disclosure is allowed
17 or required under this section or other state or federal law.

18 (c) To the extent allowed by state and federal law, the department shall
19 make available any documents, materials and reports that are confidential
20 under paragraph (a) of this subsection to:

21 (A) A law enforcement agency or the Department of Human Services if
22 necessary to conduct an investigation under ORS 419B.005 to 419B.050;

23 (B) The Teacher Standards and Practices Commission if necessary for the
24 commission to [*conduct an investigation under ORS 339.390 or 342.176*] **im-**
25 **pose discipline related to a department licensee;** and

26 (C) An education provider if necessary for the education provider to take
27 any disciplinary action or changes in the employment relationship or duties
28 of the school employee, contractor, agent or volunteer.

29 (d) The Department of Education shall retain documents and materials
30 related to any report received under this section for a period of 75 years.

31 (5) A person who is the subject of an investigation under this section may

1 appeal a final determination that the report related to the investigation is
2 a substantiated report as a contested case under ORS chapter 183.

3 (6) The State Board of Education shall adopt any rules necessary for the
4 administration of this section.

5 **SECTION 20.** ORS 341.535 is amended to read:

6 341.535. (1) Community college faculty are not required to have teaching
7 licenses.

8 (2) Notwithstanding ORS 342.173, community college faculty who provide
9 instruction in cooperation with a school district for academic, career and
10 technical education, school-to-work or other work-related programs under
11 ORS chapter 329 are not required to have teaching licenses. If the faculty
12 member is not a regular full-time employee of the community college, the
13 school district shall follow the instructor appraisal committee procedures
14 adopted by **rule of** the Teacher Standards and Practices Commission.

15 (3) Until a community college becomes accredited by the Northwest
16 Commission on Colleges and Universities or its successor, the board shall
17 obtain the approval of the accredited community college with which it con-
18 tracts for curriculum and instructional services before employing any person
19 to teach transfer courses.

20 **SECTION 21.** ORS 342.120 is amended to read:

21 342.120. As used in this chapter, unless the context requires otherwise:

22 (1) “Administrator” includes but is not limited to all superintendents,
23 assistant superintendents, principals and academic program directors in
24 public schools or education service districts who have direct responsibility
25 for supervision or evaluation of licensed teachers and who are compensated
26 for their services from public funds.

27 (2) “Administrative license” means a license issued under ORS 342.125
28 (3)(f) or (g).

29 (3) “Approved educator preparation program” means a licensure program
30 that:

31 (a) Prepares persons to become educators in any grade from preprimary

1 through grade 12;

2 (b) Is offered by an approved educator preparation provider; and

3 (c) Meets the standards of the [*Teacher Standards and Practices Com-*
4 *mission*] **State Board of Education**, as provided by ORS 342.147.

5 (4) “Approved educator preparation provider” means a sponsor or provider
6 of an educator preparation program that meets the standards of the [*Teacher*
7 *Standards and Practices Commission*] **State Board of Education**, as pro-
8 vided by ORS 342.147.

9 (5) “[*Commission*] **Department** licensee” means a person whom the
10 [*Teacher Standards and Practices Commission*] **Department of Education**
11 has the authority to investigate [*or discipline*] because the person:

12 (a) Is enrolled in an approved educator preparation program;

13 (b) Is an applicant for a [*Teacher Standards and Practices Commission*]
14 **department** license or registration;

15 (c) Holds a license or registration issued by the [*Teacher Standards and*
16 *Practices Commission*] **department**; or

17 (d) Has held a license or registration issued by the [*Teacher Standards*
18 *and Practices Commission*] **department** at any time during the previous five
19 years.

20 (6) “Instruction” includes preparation of curriculum, assessment and di-
21 rection of learning in class, in small groups, in individual situations, online,
22 in the library and in guidance and counseling, but does not include the
23 provision of related services, as defined in ORS 343.035, to a child identified
24 as a child with a disability pursuant to ORS 343.146 to 343.183 when provided
25 in accordance with ORS 343.221.

26 (7) “Instructional assistant” means a classified school employee who does
27 not require a license to teach, who is employed by a school district or edu-
28 cation service district and whose assignment consists of and is limited to
29 assisting a licensed teacher in accordance with rules established by the
30 Teacher Standards and Practices Commission.

31 (8) “Teacher” includes all licensed employees in the public schools or

1 employed by an education service district who have direct responsibility for
2 instruction or coordination of educational programs and who are compen-
3 sated for their services from public funds. “Teacher” does not include a
4 school nurse as defined in ORS 342.455 or an instructional assistant.

5 (9) “Teaching license” means a license issued under ORS 342.125 or
6 342.144.

7 (10) “Underrepresented person” means:

8 (a) A person having origins in any of the black racial groups of Africa,
9 but who is not Hispanic;

10 (b) A person of Hispanic culture or origin;

11 (c) A person having origins in any of the original peoples of the Far East,
12 Southeast Asia, the Indian subcontinent or the Pacific Islands; or

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

15 **SECTION 22.** ORS 342.121 is amended to read:

16 342.121. (1) The [*Teacher Standards and Practices Commission*] **Depart-**
17 **ment of Education** shall issue licenses to teachers and administrators who
18 possess the minimum competencies, knowledge and skills to teach and ad-
19 minister in the public schools of this state.

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

26 **SECTION 23.** ORS 342.122 is amended to read:

27 342.122. (1) There is created the National Board Certification Fund, sep-
28 arate and distinct from the General Fund. Interest earned on moneys in the
29 National Board Certification Fund shall be credited to the fund.

30 (2) The National Board Certification Fund shall include any state or
31 federal moneys made available to the fund, including moneys appropriated

1 by the Legislative Assembly and federal moneys made available to improve
2 teacher quality through professional development. The [*Teacher Standards*
3 *and Practices Commission*] **Department of Education** may accept from any
4 source any grant, donation or gift of money or other valuable thing made to
5 the [*commission*] **department** for purposes of the fund.

6 (3) Moneys credited to the National Board Certification Fund are con-
7 tinuously appropriated to the [*commission*] **department** for the purposes set
8 forth in subsections (4) and (5) of this section. The [*commission*] **depart-**
9 **ment** may draw checks or orders upon the State Treasurer in making dis-
10 bursements from the fund for the purposes stated in this subsection.

11 (4) Moneys in the National Board Certification Fund shall be used to
12 encourage at least 150 public school teachers in this state to apply for and
13 attain certification each biennium through the National Board for Profes-
14 sional Teaching Standards or any other national professional organization
15 for teaching standards designated by the [*Teacher Standards and Practices*
16 *Commission*] **State Board of Education by rule.**

17 (5) The [*Teacher Standards and Practices Commission*] **department** may
18 disburse moneys from the National Board Certification Fund to applicants
19 for assistance with the direct costs of seeking and obtaining national board
20 certification, including reimbursement for the costs of each of the compo-
21 nents necessary for certification and reimbursement for costs related to
22 participating in a cohort for certification. The [*commission*] **department** may
23 retain no more than 10 percent of all moneys received under this section
24 during a biennium from state and federal sources for the purpose of paying
25 administrative expenses incurred by the [*commission*] **department** under this
26 subsection.

27 (6) The [*Teacher Standards and Practices Commission*] **State Board of**
28 **Education** shall adopt rules that govern the disbursement of moneys from
29 the National Board Certification Fund consistent with this section, including
30 requirements that recipients of disbursements must be licensed by the [*com-*
31 *mission*] **department** and employed with a public educational program in

1 this state.

2 **SECTION 24.** ORS 342.123 is amended to read:

3 342.123. (1) In addition to and not in lieu of any other law or rule or
4 standard established by the Teacher Standards and Practices Commission,
5 the commission shall require an applicant for a first-time license or regis-
6 tration issued by the [*commission*] **Department of Education** to demon-
7 strate knowledge of:

8 (a) Title VI of the Civil Rights Act of 1964, Title IX of the Education
9 Amendments of 1972, and other relevant federal and state statutes prohibit-
10 ing discrimination; and

11 (b) Ethical standards of professional conduct for licensees and registrants,
12 as determined by the **department based on rules of the** commission.

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

15 **SECTION 25.** ORS 342.125 is amended to read:

16 342.125. (1) Teaching licenses shall be issued and renewed by the [*Teacher*
17 *Standards and Practices Commission*] **Department of Education** by the
18 authority of the State of Oregon, subject to ORS 342.120 to 342.430 and the
19 rules of the **Teacher Standards and Practices Commission and the State**
20 **Board of Education.**

21 (2) Notwithstanding any requirements prescribed for issuance of a license,
22 a person whose application for a license is pending may be employed in the
23 public schools of this state for 90 calendar days after the date of submission
24 of the application if:

25 (a) The person is not ineligible for a license following background checks
26 conducted by the [*Teacher Standards and Practices Commission*]
27 **department**, including a criminal records check as provided in ORS
28 181A.195 and a background check through an interstate clearinghouse of re-
29 voked and suspended licenses;

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

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

4 (d) The person and the school district have complied with any other re-
5 quirements established by the commission **and the board** by rule.

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

8 (a) Preliminary teaching license.

9 (b) Professional teaching license.

10 (c) Distinguished teacher leader license.

11 (d) Preliminary personnel service license.

12 (e) Professional personnel service license.

13 (f) Preliminary administrative license.

14 (g) Professional administrative license.

15 (h) Reciprocal license.

16 (i) Legacy license.

17 (4) The [*Teacher Standards and Practices*] commission may establish other
18 types of teaching licenses as the commission considers necessary for opera-
19 tion of the public schools of the state and may prescribe the qualifications
20 for the licenses. However, no license established under the authority of this
21 subsection is required for a regular classroom teaching position in the public
22 schools.

23 (5) Notwithstanding ORS 342.127, any person who has held a teaching li-
24 cense identified in subsection (3) of this section or established as provided
25 by subsection (4) of this section may, within three years of retirement and
26 without payment of any fees or any other additional requirements, convert
27 the teaching license into a substitute teaching license.

28 (6)(a) The [*Teacher Standards and Practices*] commission shall **by rule**
29 establish a public charter school teacher and administrator registry **to be**
30 **maintained by the Department of Education**. The [*commission*] **rules**
31 shall require the applicant and the public charter school to jointly submit

1 an application requesting registration as a public charter school teacher or
2 administrator. The application shall include:

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

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

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

12 (b) Subject to the results of the criminal records check and background
13 check and to information received under ORS 342.143 (2), the [*commission*]
14 **department** shall approve the application for registration. The
15 [*commission*] **department** may deny a request for registration only on the
16 basis of the criminal records check, the background check through an inter-
17 state clearinghouse of revoked and suspended licenses or the information
18 received under ORS 342.143 (2). The registration is valid for a term estab-
19 lished by the commission **by rule** and, subject to information received under
20 ORS 342.143 (2), may be renewed upon joint application from the teacher or
21 administrator and the public charter school.

22 (c) A registration as a public charter school teacher qualifies its holder
23 to accept the teaching position described in the application in the public
24 charter school that submitted the application with the holder of the regis-
25 tration.

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

30 (7)(a) The Teacher Standards and Practices Commission shall adopt **by**
31 **rule** an expedited process for the issuance of any license established pursu-

1 ant to this section. The expedited process may require the following:

2 (A) The showing of an urgent situation; and

3 (B) The joint request for the expedited process from the applicant for the
4 license and:

5 (i) The school district superintendent or school district board;

6 (ii) The public charter school governing body; or

7 (iii) The education service district superintendent or board of directors
8 of the education service district.

9 (b) Except as provided by paragraph (c) of this subsection, the [*commis-*
10 *sion*] **department** shall issue a license as provided by this subsection within
11 two working days after receiving a completed application.

12 (c) The commission may limit the number of applications the
13 [*commission*] **department** will accept under this subsection from a school
14 district or an education service district to not more than 100 applications in
15 a period of two working days.

16 (d) For purposes of this subsection, the [*commission*] **department** may not
17 distinguish between a school district or an education service district in-
18 volved in a labor dispute and any other school district or education service
19 district.

20 **SECTION 26.** ORS 342.127 is amended to read:

21 342.127. (1) The [*Teacher Standards and Practices Commission shall es-*
22 *tablish and*] **State Board of Education shall establish by rule and the**
23 **Department of Education shall** collect:

24 (a) A fee not to exceed \$350 for evaluation of the initial application for
25 each educator license for which application is made. If the applicant is eli-
26 gible for the educator license for which application is made, the
27 [*commission*] **department** shall issue the license without additional charge.

28 (b) A fee not to exceed \$350 for the renewal of each educator license and
29 a fee not to exceed \$50 for each official paper license. If the educator is
30 certified by a national professional organization for teaching standards [*re-*
31 *cognized by the commission*] **designated by the State Board of Education**

1 **by rule**, the [*commission*] **department** shall renew the license without
2 charge.

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

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

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

11 (2) In addition to the fee required by subsection (1) of this section for the
12 issuance of an educator license, the [*commission*] **department** shall collect
13 a fee not to exceed \$150 for the evaluation of an applicant requesting li-
14 censing based upon completion of an educator preparation program other
15 than an Oregon approved educator preparation program.

16 (3) In addition to the fees required by subsection (1) of this section, the
17 [*commission*] **department** shall collect a late application fee not to exceed
18 \$40 per month up to a maximum of \$200 from an applicant who fails to make
19 timely application for renewal of the license or registration. The actual
20 amount of the fee shall be determined in accordance with rules of the [*com-*
21 *mission*] **board**.

22 (4) In addition to the fees required by subsection (1) of this section, the
23 [*commission*] **department** shall collect a late application fee not to exceed
24 \$350 for the reinstatement of an expired license. The requirements for rein-
25 statement and the actual amount of the fee shall be determined in accord-
26 ance with rules of the [*commission*] **board**.

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

31 (6) In addition to the fee required by subsection (1) of this section for the

1 issuance of an educator license, the [commission] **department** shall collect
2 a fee not to exceed \$1,000 for the reinstatement of a license that has been
3 suspended or revoked by the [commission] **department** for gross neglect of
4 duty or gross unfitness under ORS 342.175.

5 (7) In addition to the fee required by subsection (1) of this section for the
6 issuance of an educator license, the [commission] **department** shall collect
7 a fee not to exceed \$200 for the issuance of any license through an expedited
8 process under ORS 342.125 (7) at the request of any school district, public
9 charter school or education service district that seeks to employ the appli-
10 cant. The fee shall be paid by the school district, public charter school or
11 education service district.

12 (8) Fees established under this section shall cover, but not exceed, the full
13 cost of administrative expenses incurred by the [commission] **department**
14 during any biennium.

15 **SECTION 27.** ORS 342.130 is amended to read:

16 342.130. (1) Nothing in ORS 342.120 to 342.173 is intended to invalidate the
17 life of any certificate or diploma in effect on June 30, 1965, nor to invalidate
18 the rights granted prior to June 30, 1965, by the law and the rules of the
19 State Board of Education under which the certificate or diploma was issued.

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

24 (3) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life
25 of any basic or standard teaching or administrative license in effect prior to
26 January 15, 1999, nor to invalidate the rights granted prior to January 15,
27 1999, by the law and by the rules under which the license was issued.

28 (4) Nothing in chapter 647, Oregon Laws 2015, is intended to invalidate
29 the life of any teaching, administrative or personnel service license in effect
30 on July 6, 2015, or to alter the rights and privileges granted prior to July
31 6, 2015, by the law under which the license was issued.

1 **(5) Nothing in this 2024 Act is intended to invalidate the life of any**
2 **teaching, administrative or personnel service license in effect prior to**
3 **the effective date of this 2024 Act, or to alter the rights and privileges**
4 **granted prior to the effective date of this 2024 Act, by the law under**
5 **which the license was issued.**

6 **SECTION 28.** ORS 342.136 is amended to read:

7 342.136. (1) A preliminary teaching license, personnel service license or
8 administrative license shall qualify its holder to accept any assignment from
9 preprimary through grade 12 for which the holder has completed the re-
10 quirements established by the rules of the Teacher Standards and Practices
11 Commission.

12 (2) A preliminary teaching license, personnel service license or adminis-
13 trative license shall be issued on application to an otherwise qualified ap-
14 plicant who has completed an approved professional education program and
15 meets such other requirements as the commission may consider necessary to
16 maintain and improve the quality of instruction in the public schools of the
17 state.

18 (3) In addition to any requirements imposed under subsections (1) and (2)
19 of this section, an applicant for a preliminary teaching license must complete
20 a supervised clinical practice experience. The supervised clinical practice
21 experience:

22 (a) May include student teaching, internships, observations and similar
23 experiences;

24 (b) Must be under the direction of:

25 (A) A supervisor from the approved educator preparation program in
26 which the applicant is enrolled; and

27 (B) A teacher who is from the school district where the applicant is
28 completing the supervised clinical practice experience and who:

29 (i) Possesses a teaching license issued by the [*Teacher Standards and*
30 *Practices Commission*] **Department of Education;**

31 (ii) Has been an effective teacher for three or more years, as determined

1 under rules adopted by the commission; and

2 (iii) Is trained to supervise the applicant during the applicant's supervised
3 clinical practice experience and to work in partnership with the applicant's
4 supervisor from an approved educator preparation program; and

5 (c) Must comply with other requirements adopted by the commission by
6 rule.

7 (4) A preliminary teaching license, personnel service license or adminis-
8 trative license may be renewed if the applicant meets the requirements es-
9 tablished by the commission by rule.

10 (5) The [*commission*] **department** shall develop a process that allows a
11 teacher holding a preliminary teaching license to continually renew the
12 preliminary teaching license based on the completion of requirements estab-
13 lished by the rules of the commission if the teacher does not qualify for a
14 professional teaching license due to lack of employment.

15 **SECTION 29.** ORS 342.137 is amended to read:

16 342.137. (1) A distinguished teacher leader license shall designate that its
17 holder is qualified to provide leadership that may include mentoring, cur-
18 riculum development support, teacher preparation support and other educa-
19 tional leadership.

20 (2) A distinguished teacher leader license shall be issued on application
21 to an otherwise qualified person who:

22 (a) Has a valid professional teaching license; and

23 (b) Has been deemed to be effective to highly effective in teaching, as
24 shown by:

25 (A) A combination of evaluations conducted in compliance with ORS
26 342.856 and evidence of current professional leadership practices, as deter-
27 mined based on standards adopted by the Teacher Standards and Practices
28 Commission by rule; or

29 (B) Other evidence identified by the commission by rule.

30 (3) A distinguished teacher leader license may be renewed if the applicant
31 meets the requirements established by the commission by rule.

1 (4) The commission shall develop [*a process*] **by rule the standards** by
2 which a teacher holding a distinguished teacher leader license is automat-
3 ically issued a professional teaching license upon nonrenewal of a distin-
4 guished teacher leader license if the teacher meets the requirements for a
5 professional teaching license.

6 **SECTION 30.** ORS 342.138 is amended to read:

7 342.138. (1) A professional teaching license, a professional personnel ser-
8 vice license or a professional administrative license qualifies the holder to
9 accept any assignments for preprimary through grade 12 for which the holder
10 has completed the advanced requirements established by the rules of the
11 Teacher Standards and Practices Commission.

12 (2) A professional teaching license, a professional personnel service li-
13 cense or a professional administrative license shall be issued on application
14 to an otherwise qualified person who has:

15 (a) Completed an advanced professional education program approved by
16 the [*commission*] **Department of Education;**

17 (b) Been employed in an educational setting for a minimum period of time
18 established by the commission by rule; and

19 (c) Demonstrated minimum competencies, knowledge and skills required
20 for the professional teaching license, professional personnel service license
21 or professional administrative license through an approved educator prepa-
22 ration provider, school district, professional organization described in ORS
23 342.121, or professional assessment approved by the [*commission*] **depart-**
24 **ment.**

25 (3) The holder of a professional teaching license, professional personnel
26 service license or professional administrative license may renew the license
27 in accordance with the rules of the commission.

28 **SECTION 31.** ORS 342.143 is amended to read:

29 342.143. (1) A teaching, personnel service or administrative license, or
30 public charter school registration, may not be issued to any person until the
31 person has attained the age of 18 years and has furnished satisfactory evi-

1 dence of proper educational training.

2 (2) The Teacher Standards and Practices Commission **by rule** may require
3 an applicant for a teaching, personnel service or administrative license or
4 for registration as a public charter school teacher or administrator to fur-
5 nish evidence satisfactory to the [*commission*] **Department of Education**
6 of good moral character, mental and physical health, and such other evidence
7 as the commission may deem necessary to establish the applicant's fitness
8 to serve as a teacher or administrator.

9 (3) Without limiting the powers of the [*Teacher Standards and Practices*]
10 commission **or department** under subsection (2) of this section:

11 (a) A teaching, personnel service or administrative license, or a public
12 charter school registration, may not be issued to any person who:

13 (A) Has been convicted of a crime listed in ORS 163.095, 163.107, 163.115,
14 163.185, 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408,
15 163.411, 163.415, 163.425, 163.427, 163.432, 163.433, 163.435, 163.445, 163.465,
16 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),
17 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325,
18 164.415, 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062,
19 167.075, 167.080, 167.090, 475.808, 475.810, 475.812, 475.818, 475.820, 475.822,
20 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872, 475.878, 475.880,
21 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

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

24 (C) Has been convicted in another jurisdiction of a crime that is sub-
25 stantially equivalent, as defined by rule, to any of the crimes listed in sub-
26 paragraphs (A) and (B) of this paragraph.

27 (D) Has had a teaching, personnel service or administrative license, or a
28 public charter school registration, revoked in another jurisdiction for a rea-
29 son that is substantially equivalent, as defined by rule, to a reason described
30 in ORS 342.175 and the revocation is not subject to further appeal. A person
31 whose right to apply for a license or registration is denied under this sub-

1 paragraph may apply for reinstatement of the right as provided in ORS
2 342.175 (4).

3 (b) The [*Teacher Standards and Practices Commission*] **department, as**
4 **prescribed by the commission by rule**, may refuse to issue a license or
5 registration to any person who has been convicted of:

6 (A) A crime involving the illegal use, sale or possession of controlled
7 substances; or

8 (B) A crime described in ORS 475C.005 to 475C.525.

9 (4) In denying the issuance of a license or registration under this section,
10 the [*commission*] **department** shall follow the procedure set forth in ORS
11 342.176 and 342.177.

12 **SECTION 32.** ORS 342.144 is amended to read:

13 342.144. (1) As used in this section, “American Indian tribe” means an
14 Indian tribe as that term is defined in ORS 97.740.

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

17 (3) The Teacher Standards and Practices Commission shall establish **by**
18 **rule the requirements for** an American Indian languages teaching license.

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

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

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

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

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

29 (6) The commission may not require an applicant to hold a specific aca-
30 demic degree, to complete a specific amount of education or to complete an
31 educator preparation program to receive an American Indian languages

1 teaching license.

2 (7)(a) An American Indian languages teaching license qualifies the holder
3 to accept a teaching position in a school district, public charter school, ed-
4 ucation service district, community college or public university listed in ORS
5 352.002.

6 (b) A holder of an American Indian languages teaching license who does
7 not also have a teaching license issued under ORS 342.125 may not teach in
8 a school district or education service district any subject other than the
9 American Indian language the holder of the license is approved to teach by
10 the tribe.

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

16 (8)(a) As used in this subsection, “technical assistance program” means
17 a program provided to an American Indian languages teacher by a licensed
18 teacher with three or more years of teaching experience. A technical assist-
19 ance program may include direct classroom observation and consultation,
20 assistance in instructional planning and preparation, support in implemen-
21 tation and delivery of classroom instruction, and other assistance intended
22 to enhance the professional performance and development of the American
23 Indian languages teacher.

24 (b) The holder of an American Indian languages teaching license who does
25 not also have an administrative license, teaching license or registration is-
26 sued under ORS 342.125 and who is employed by a school district, public
27 charter school or education service district shall participate in a technical
28 assistance program with a person holding a teaching license issued by the
29 [commission] **Department of Education** under ORS 342.125. The technical
30 assistance program shall meet the guidelines specified in ORS 329.815 (2) to
31 (4).

1 (9) An American Indian languages teaching license shall be valid for a
2 term established by the commission **by rule** and may be renewed upon ap-
3 plication from the holder of the license.

4 **SECTION 33.** ORS 342.147 is amended to read:

5 342.147. (1)(a) The [*Teacher Standards and Practices Commission*] **State**
6 **Board of Education, taking into consideration recommendations of the**
7 **Teacher Standards and Practices Commission and the Educator Ad-**
8 **vancement Council,** shall establish by rule standards for approval of edu-
9 cator preparation providers and educator preparation programs.

10 (b) Standards for approval of an educator preparation program must in-
11 clude requiring an educator preparation program to evaluate candidates us-
12 ing a framework approved by the [*commission*] **board** that:

13 (A) Uses multiple measures to determine if a candidate's knowledge, skills
14 and competencies qualify the candidate for a teaching license; and

15 (B) Includes at least one measure that is locally determined and adopted
16 by the educator preparation provider, and that is then approved by the
17 [*commission*] **board.**

18 (c) Standards for approval of an educator preparation program for early
19 childhood education, elementary education, special education or reading
20 must require that:

21 (A) The program provide instruction on dyslexia and other reading diffi-
22 culties; and

23 (B) The instruction on dyslexia be consistent with the knowledge and
24 practice standards of an international organization on dyslexia.

25 (2) The [*commission*] **board, taking into consideration recommen-**
26 **dations of the commission and the council,** shall adopt rules that:

27 (a) Require approved educator preparation programs for early childhood
28 education, elementary education, special education or reading to demonstrate
29 that candidates enrolled in the programs receive training to provide in-
30 struction that enables students to meet or exceed third-grade reading stan-
31 dards and become proficient readers by the end of the third grade, as

1 designated by the [*State Board of Education*] **board**. For the purposes of this
 2 paragraph, an approved educator preparation program may make the dem-
 3 onstration through course curriculum, approved textbooks or other program
 4 requirements.

5 (b) Allow approved educator preparation programs leading to graduate
 6 degrees to commence prior to the candidate's completion of baccalaureate
 7 degree requirements and to combine undergraduate and graduate level course
 8 work in achieving program completion.

9 (3) Whenever any educator preparation provider or educator preparation
 10 program is denied approved status or has such status withdrawn, the denial
 11 or withdrawal must be treated as a contested case under ORS chapter 183.

12 (4) Nothing in this section is intended to grant to the [*Teacher Standards*
 13 *and Practices Commission*] **State Board of Education or the Department**
 14 **of Education** any authority relating to granting degrees or establishing de-
 15 gree requirements that are within the authority of the Higher Education
 16 Coordinating Commission or any of the public universities listed in ORS
 17 352.002, or that are within the authority of the governing board of any pri-
 18 vate institution of higher education.

19 **SECTION 34.** ORS 342.147, as amended by section 8, chapter 756, Oregon
 20 Laws 2015, section 2, chapter 317, Oregon Laws 2017, section 9, chapter 518,
 21 Oregon Laws 2021, and section 2, chapter 637, Oregon Laws 2021, is amended
 22 to read:

23 342.147. (1) The [*Teacher Standards and Practices Commission*] **State**
 24 **Board of Education, taking into consideration recommendations of the**
 25 **Teacher Standards and Practices Commission and the Educator Ad-**
 26 **vancement Council**, shall establish by rule standards for approval of edu-
 27 cator preparation providers and educator preparation programs.

28 (2) Standards for approval of an educator preparation provider may allow
 29 approval of an institution of higher education, a school district in this state,
 30 an education service district in this state or any other entity in this state
 31 that sponsors or provides an educator preparation program.

1 (3)(a) Standards for approval of an educator preparation program must
2 include:

3 (A) Requiring an educator preparation program to be accredited by a na-
4 tional organization that represents teachers, policymakers and teacher edu-
5 cators and that provides accreditation based on nationally recognized
6 standards and on evidence-based measures;

7 (B) Approving a public educator preparation program of more than four
8 years' duration only if educator preparation programs that are reasonably
9 attainable in a four-year period, or the equivalent, are also available in the
10 system of higher education and are designed to culminate in a baccalaureate
11 degree that qualifies their graduates for entry-level teaching licenses; and

12 (C) Requiring an educator preparation program to evaluate candidates
13 using a framework approved by the [*commission*] **board** that:

14 (i) Uses multiple measures to determine if a candidate's knowledge, skills
15 and competencies qualify the candidate for a teaching license; and

16 (ii) Includes at least one measure that is locally determined and adopted
17 by the educator preparation provider, and that is then approved by the
18 [*commission*] **board**.

19 (b) Standards for approval of an educator preparation program for early
20 childhood education, elementary education, special education or reading
21 must require that:

22 (A) The program provide instruction on dyslexia and other reading diffi-
23 culties; and

24 (B) The instruction on dyslexia be consistent with the knowledge and
25 practice standards of an international organization on dyslexia.

26 (4)(a) Notwithstanding subsection (3)(a)(A) of this section, standards for
27 approval of an educator preparation program may allow an educator prepa-
28 ration program to operate provisionally without accreditation by a national
29 organization if the educator preparation program is:

30 (A) Offered by an accredited educator preparation provider; or

31 (B) A nontraditional pathway to licensure program offered by an educator

1 preparation provider, regardless of whether the educator preparation pro-
2 vider is accredited.

3 (b) A nontraditional pathway to licensure program shall be considered an
4 approved educator preparation program, **as determined by the Department**
5 **of Education**, if the nontraditional pathway to licensure program complies
6 with standards established by the [*commission*] **board, taking into consid-**
7 **eration recommendations of the commission and the council.** The
8 [*commission*] **board** shall establish standards for nontraditional pathway to
9 licensure programs that:

10 (A) Are substantially similar to the standards under subsection (3)(a) of
11 this section;

12 (B) Require the [*commission*] **department** to consider the current efforts
13 of educator preparation programs to serve the same educator workforce as
14 the proposed nontraditional pathway to licensure program; and

15 (C) Require the proposed nontraditional pathway to licensure program to
16 submit to the [*commission*] **department** a preoperational capacity review
17 from a national accrediting organization that is approved by the
18 [*commission*] **board by rule.**

19 (c)(A) Nothing in this subsection requires a nontraditional pathway to
20 licensure program to:

21 (i) Culminate in the granting of a degree; or

22 (ii) Prohibit a candidate from being employed as an educator while par-
23 ticipating in the program.

24 (B) Nothing in this subsection prevents an accredited educator prepara-
25 tion provider from offering a nontraditional pathway to licensure.

26 (d) An approved educator preparation program that operates provisionally
27 as provided by this subsection may not operate provisionally for more than
28 four years from the date that the educator preparation program first received
29 approval to operate provisionally.

30 (5) The [*commission*] **board, taking into consideration recommen-**
31 **dations of the commission and the council,** shall adopt rules that:

1 (a) Require approved educator preparation programs for early childhood
2 education, elementary education, special education or reading to demonstrate
3 that candidates enrolled in the programs receive training to provide in-
4 struction that enables students to meet or exceed third-grade reading stan-
5 dards and become proficient readers by the end of the third grade, as
6 designated by the [*State Board of Education*] **board**. For the purposes of this
7 paragraph, an approved educator preparation program may make the dem-
8 onstration through course curriculum, approved textbooks or other program
9 requirements.

10 (b) Allow approved educator preparation programs leading to graduate
11 degrees to commence prior to the candidate's completion of baccalaureate
12 degree requirements and to combine undergraduate and graduate level course
13 work in achieving program completion.

14 (6) Whenever any educator preparation provider or educator preparation
15 program is denied approved status or has such status withdrawn, the denial
16 or withdrawal must be treated as a contested case under ORS chapter 183.

17 (7) Nothing in this section is intended to grant to the [*Teacher Standards*
18 *and Practices Commission*] **State Board of Education or the Department**
19 **of Education** any authority relating to granting degrees or establishing de-
20 gree requirements that are within the authority of the Higher Education
21 Coordinating Commission or any of the public universities listed in ORS
22 352.002, or that are within the authority of the governing board of any pri-
23 vate institution of higher education.

24 **SECTION 35.** Section 9a, chapter 518, Oregon Laws 2021, is amended to
25 read:

26 **Sec. 9a.** (1) Notwithstanding the operative date set forth in section 2,
27 chapter 756, Oregon Laws 2015, as amended by section 9, chapter 756, Oregon
28 Laws 2015, and section 25, chapter 72, Oregon Laws 2018, the [*Teacher*
29 *Standards and Practices Commission*] **State Board of Education and the**
30 **Department of Education** may take any action before the operative date
31 identified by this subsection that is necessary for the [*commission*] **board**

1 **and department** to exercise, on and after the operative date identified by
2 this subsection, all of the duties, functions and powers conferred on the
3 [*commission*] **board and department** by the amendments to ORS 342.147 by
4 section 9 [*of this 2021 Act*], **chapter 518, Oregon Laws 2021**.

5 (2) For the purpose of ensuring that the [*Teacher Standards and Practices*
6 *Commission*] **board and department** may exercise, on and after the opera-
7 tive date identified by subsection (1) of this section, all of the duties, func-
8 tions and powers conferred on the [*commission*] **board and department** by
9 the amendments to ORS 342.147 by section 9 [*of this 2021 Act*], **chapter 518,**
10 **Oregon Laws 2021**, the [*commission*] **board and department** shall develop
11 and implement a plan for the implementation of the amendments to ORS
12 342.147 by section 9 [*of this 2021 Act*], **chapter 518, Oregon Laws 2021, and**
13 **section 34 of this 2024 Act**. The plan must:

14 (a) Be developed in collaboration with the Educator Advancement Council
15 and the [*Department of Education*] **Teacher Standards and Practices**
16 **Commission**; and

17 (b) Prioritize increasing:

18 (A) Participation by teacher candidates in nontraditional pathway to
19 licensure programs;

20 (B) Educator diversity; and

21 (C) Educator retention.

22 [(3) *No later than January 1, 2023, the Teacher Standards and Practices*
23 *Commission, in collaboration with the Educator Advancement Council and the*
24 *Department of Education, shall report to the appropriate interim committees*
25 *of the Legislative Assembly. The report shall address the progress on the plan*
26 *required to be developed and implemented as provided by subsection (2) of this*
27 *section.*]

28 **SECTION 36.** Section 4, chapter 756, Oregon Laws 2015, as amended by
29 section 10, chapter 756, Oregon Laws 2015, and section 10, chapter 518,
30 Oregon Laws 2021, is amended to read:

31 **Sec. 4.** (1) The Teacher Education Program Accreditation Account is es-

1 tablished in the State Treasury, separate and distinct from the General Fund.
 2 Interest earned by the Teacher Education Program Accreditation Account
 3 shall be accredited to the account.

4 (2) Moneys in the Teacher Education Program Accreditation Account are
 5 continuously appropriated to the [*Teacher Standards and Practices Commis-*
 6 *sion*] **Department of Education** to award grants to educator preparation
 7 programs for the purpose of having the programs accredited by the organ-
 8 ization described in ORS 342.147 (3)(a)(A), as amended by section 8, chapter
 9 756, Oregon Laws 2015, section 2, chapter 317, Oregon Laws 2017, [*and*] sec-
 10 tion 9 [*of this 2021 Act*], **chapter 518, Oregon Laws 2021, and section 34**
 11 **of this 2024 Act.**

12 **SECTION 37.** ORS 342.153 is amended to read:

13 342.153. (1) Any applicant for a teaching license to provide education to
 14 students who are blind, as defined in ORS 343.565, shall be required to dem-
 15 onstrate proficiency in reading and writing Braille, as defined in ORS
 16 343.565.

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

20 (3) The Teacher Standards and Practices Commission **by rule** shall adopt
 21 procedures to assess the proficiencies developed through workshops and
 22 courses in grade I and grade II Braille that are consistent with standards set
 23 by the National Library Service for the Blind and Physically Handicapped
 24 at the Library of Congress.

25 **SECTION 38.** ORS 342.165 is amended to read:

26 342.165. (1) Pursuant to ORS chapter 183, the Teacher Standards and
 27 Practices Commission shall adopt rules necessary for the issuance, denial,
 28 continuation, renewal, lapse, revocation, suspension or reinstatement of li-
 29 censes or registrations issued **by the Department of Education** under ORS
 30 342.120 to 342.430. The commission shall also adopt rules establishing means
 31 in addition to those prescribed by law whereby teachers are able to add ad-

1 ditional endorsements to their teaching licenses.

2 (2) In establishing rules the commission shall consider:

3 (a) Its responsibilities to represent the public interest in the development
4 of educational policies;

5 (b) The capabilities of Oregon educator preparation providers to prepare
6 educators;

7 (c) The norms required for the educator assignments;

8 (d) The improvement of teaching and student learning;

9 (e) The adequacy of the supply of licensed educators;

10 (f) The value of experience or nonacademic learning;

11 (g) The responsibilities imposed upon school districts by geographic and
12 demographic conditions; and

13 (h) Other matters that tend to improve education.

14 **SECTION 39.** ORS 342.173 is amended to read:

15 342.173. Any school district or education service district that employs any
16 person not properly licensed or registered by the [*Teacher Standards and*
17 *Practices Commission*] **Department of Education**, or licensed by the [*com-*
18 *mission*] **department** but not assigned in accordance with rules of the
19 **Teacher Standards and Practices** Commission, shall be subject to sanc-
20 tions imposed by the commission. A sanction must be imposed according to
21 rules adopted by the commission and is effective unless:

22 (1) The assignment is made with justification satisfactory to the commis-
23 sion.

24 (2) The person is employed as a teacher by a post-secondary institution
25 that is accredited by the Northwest Commission on Colleges and Universi-
26 ties, or its successor, and that has a contract with a school district under
27 which the person is teaching at the high school level. The contract [*shall*]
28 **must** be approved by the [*Teacher Standards and Practices Commission*]
29 **department**, including criteria for a person's qualifications under paragraph
30 (b) of this subsection. The contract shall:

31 (a) Be for a specific instructional assignment for which the district does

1 not have appropriately licensed personnel either on staff or available to be
2 placed on staff after a reasonably diligent search;

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

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

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

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

9 (4) The person is employed as provided by ORS 342.125 (2).

10 **SECTION 40.** ORS 342.175 is amended to read:

11 342.175. (1) **As provided by** the Teacher Standards and Practices Com-
12 mission **by rule, the Department of Education** may suspend or revoke the
13 license or registration of a [*commission*] **department** licensee, discipline a
14 [*commission*] **department** licensee, or suspend or revoke the right of any
15 person to apply for a license or registration based on the following:

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

17 (b) Gross neglect of duty;

18 (c) Any gross unfitness;

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

22 (e) Conviction of a crime described in ORS 475C.005 to 475C.525;

23 (f) Any false statement knowingly made in an application for issuance,
24 renewal or reinstatement of a license or registration; or

25 (g) Failure to comply with any condition of reinstatement under sub-
26 section (4) of this section or any condition of probation under ORS 342.177
27 (3)(b).

28 (2) If a person is enrolled in an approved educator preparation program
29 under ORS 342.147, the commission may issue a public reprimand or may
30 suspend or revoke the right to apply for a license or registration based on
31 the following:

1 (a) Conviction of a crime listed in ORS 342.143 (3) or a crime described
2 by the commission by rule;

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

6 (c) Any conduct that may cause the commission to issue a public
7 reprimand for a [*commission*] **department** licensee or to suspend or revoke
8 the license or registration of a [*commission*] **department** licensee.

9 (3) **As provided by** the commission, **the department** shall revoke any
10 license or registration and shall revoke the right of any person to apply for
11 a license or registration if the person has been convicted of any crime listed
12 in ORS 342.143 (3).

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

19 (b) Any person whose license or registration has been suspended, or whose
20 right to apply for a license or registration has been suspended, may apply
21 to the [*commission*] **department** for reinstatement of the license or regis-
22 tration.

23 (c) The commission **by rule** may require an applicant for reinstatement
24 to furnish evidence satisfactory to the [*commission*] **department** of good
25 moral character, mental and physical health and such other evidence as the
26 commission may consider necessary to establish the applicant's fitness. The
27 [*commission*] **department** may impose a probationary period and such con-
28 ditions as the [*commission*] **department** considers necessary upon approving
29 an application for reinstatement.

30 (5) The [*commission*] **department** shall reconsider immediately a license
31 or registration suspension or revocation or the situation of a person whose

1 right to apply for a license or registration has been revoked, upon applica-
2 tion therefor, when the license or registration suspension or revocation or
3 the right revocation is based on a criminal conviction that is reversed on
4 appeal.

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

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

11 **SECTION 41.** ORS 342.176 is amended to read:

12 342.176. (1)(a) A person may file a complaint with the [*Teacher Standards*
13 *and Practices Commission*] **Department of Education** regarding a [*commis-*
14 *sion*] **department** licensee. If a complaint concerns an allegation of sexual
15 conduct that may have been committed by a [*commission*] **department**
16 licensee, the complaint process provided by this section does not apply and
17 the [*commission*] **department** shall investigate the complaint as provided by
18 ORS 339.390.

19 (b) Prior to beginning an investigation based on a complaint filed under
20 paragraph (a) of this subsection, the [*commission*] **department** may require
21 verification that attempts were made to resolve the complaint through the
22 complaint process of the school district that employs the person against
23 whom the complaint was filed. If the [*commission*] **department** does not re-
24 ceive verification within 12 months of providing notice that verification is
25 required, the [*commission*] **department** no longer has a duty to investigate
26 the complaint.

27 (c) After receiving sufficient verification as provided by paragraph (b) of
28 this subsection, the [*commission*] **department** shall promptly undertake an
29 investigation upon receipt of a complaint or information that constitutes
30 grounds for:

31 (A) Refusal to issue a license or registration, as provided under ORS

1 342.143;

2 (B) Suspension or revocation of a license or registration, discipline of a
3 [*commission*] **department** licensee, or suspension or revocation of the right
4 to apply for a license or registration, as provided under ORS 342.175; or

5 (C) Discipline for failure to provide appropriate notice prior to resigna-
6 tion, as provided under ORS 342.553.

7 (2) The [*commission*] **department** may appoint an investigator and shall
8 furnish the investigator with appropriate professional and other special as-
9 sistance reasonably required to conduct the investigation, and the investi-
10 gator is empowered to issue subpoenas to require the attendance of witnesses
11 or the production of documents [*over the signature of the executive director*
12 *of the Teacher Standards and Practices Commission*], subpoena witnesses
13 [*over the signature of the executive director*], swear witnesses and compel
14 obedience in the same manner as provided under ORS 183.440 (2).

15 (3) Following completion of an investigation, the [*executive director or the*
16 *executive director's designee*] **Superintendent of Public Instruction** shall:

17 (a) Forward to the **Teacher Standards and Practices** Commission a re-
18 port related to any investigation that concluded that a violation occurred
19 under ORS 342.143, 342.175 or 342.553; or

20 (b) Determine whether to forward to the commission a report related to
21 any investigation not described in paragraph (a) of this subsection.

22 (4) If a report is to be forwarded to the commission as described in sub-
23 section (3) of this section, the [*executive director or the executive director's*
24 *designee*] **superintendent** shall report in writing the findings and recom-
25 mendations to impose disciplinary sanctions to:

26 (a) The commission, meeting in executive session, at its next regular
27 meeting following completion of the investigation; and

28 (b) The person against whom the charge is made, following consideration
29 by the commission.

30 (5)(a) Except as provided in paragraph (b) of this subsection, the docu-
31 ments and materials used in the investigation undertaken as provided by this

1 section and the report related to the investigation are confidential and not
2 subject to public inspection unless the commission makes a final determi-
3 nation to:

4 (A) Refuse to issue a license or registration, as provided under ORS
5 342.143;

6 (B) Suspend or revoke a license or registration, discipline a [*commission*]
7 **department** licensee, or suspend or revoke the right to apply for a license
8 or registration, as provided under ORS 342.175; or

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

11 (b) Records made available to the **department or** commission under ORS
12 419B.035 (1)(h) shall be kept confidential.

13 (6) If the commission finds from the report that there is sufficient cause
14 to justify holding a hearing under ORS 342.177, the commission shall notify
15 in writing:

16 (a) The person charged, enclosing a statement of the charges and a notice
17 of opportunity for hearing;

18 (b) The complainant; and

19 (c) The employing district or public charter school, if any.

20 (7) If there is not sufficient cause to justify holding a hearing under ORS
21 342.177, the commission shall notify in writing:

22 (a) The person charged;

23 (b) The complainant; and

24 (c) The employing district or public charter school, if any.

25 (8) Notwithstanding ORS 192.660 (6), the commission may make its
26 findings under this section in executive session. However, the provisions of
27 ORS 192.660 (4) apply to the sessions.

28 **SECTION 42.** ORS 342.177 is amended to read:

29 342.177. (1)(a) Hearings under ORS 339.390 and 342.176 shall be conducted
30 by an administrative law judge assigned from the Office of Administrative
31 Hearings established under ORS 183.605.

1 (b) Any hearing conducted under this section shall be private unless the
2 person against whom the charge is made requests a public hearing. Students
3 attending school in the employing district may not attend any hearing except
4 as witnesses duly subpoenaed to testify with respect to the charges made.
5 Students attending a public charter school that employs the person may not
6 attend any hearing except as witnesses duly subpoenaed to testify with re-
7 spect to the charges made. The person charged shall have the right to be
8 represented by counsel and to present evidence and argument. The evidence
9 must be confined to the charges.

10 (2) The Teacher Standards and Practices Commission or the person
11 charged may have subpoenas issued to compel attendance at the hearing. The
12 person charged may have subpoenas issued by an attorney of record sub-
13 scribed by the signature of the attorney or by the [*executive director of the*
14 *Teacher Standards and Practices Commission*] **Superintendent of Public**
15 **Instruction**. Witnesses appearing pursuant to subpoena, other than the
16 parties or officers or employees of the commission, shall receive fees and
17 mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission
18 or the person charged shall have the right to compel the attendance and
19 obedience of witnesses in the same manner as provided under ORS 183.440
20 (2).

21 (3) The commission shall render its decision at its next regular meeting
22 following the hearing. If the decision of the commission is that the charge
23 described in ORS 342.175 (1) has been proven, the commission may take any
24 or all of the following disciplinary action against the person charged:

25 (a) Issue a public reprimand.

26 (b) Place the person on probation for a period not to exceed four years
27 and subject to such conditions as the commission considers necessary.

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

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

31 (e) Revoke the right to apply for a license or registration.

1 (4) If the decision of the commission is that the charge is not proven, the
2 commission shall order the charges dismissed.

3 (5) The commission shall notify in writing the person charged and the
4 employing district or public charter school of the decision.

5 **SECTION 43.** ORS 342.183 is amended to read:

6 342.183. (1) The Teacher Standards and Practices Commission may issue
7 a letter of informal reproof to a person licensed, registered or certified by
8 the [*commission*] **Department of Education** if:

9 (a) Following the completion of an investigation **by the department**, the
10 commission determines that the person has engaged in conduct that affects
11 the person's ability to be professionally effective, based on standards adopted
12 by the commission by rule; and

13 (b) Subject to subsection (5) of this section, the commission agrees not to
14 pursue disciplinary action against the person under ORS 342.175 and the
15 person agrees to the terms of the letter of informal reproof, including a
16 monitoring period.

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

20 (3) Upon the issuance of a letter of informal reproof, the commission
21 shall notify the employer of the person to whom the letter is issued, includ-
22 ing any terms of the letter that the employer may need to know to assist the
23 person in complying with the terms of the letter.

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

26 (a) Is confidential; and

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

30 (5) If a person fails to comply with the terms of a letter of informal re-
31 proval, the commission may take disciplinary action against the person based

1 on one or both of the following:

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

3 (b) The failure to comply with the terms of the letter of informal reproof.

4 (6) If the [*executive director of the Teacher Standards and Practices Com-*
5 *mission*] **Superintendent of Public Instruction** determines that a person
6 failed to meet the terms of a letter of informal reproof, the [*executive di-*
7 *rector*] **superintendent** shall report the failure to the commission for the
8 commission to make a final determination pursuant to ORS 339.390 or
9 342.176.

10 (7) The documents and materials used in an investigation for the purposes
11 of this section are confidential and are not subject to public inspection un-
12 less the commission makes a final determination to discipline the person
13 pursuant to ORS 342.175.

14 **SECTION 44.** ORS 342.192 is amended to read:

15 342.192. (1) The [*Teacher Standards and Practices Commission*] **Depart-**
16 **ment of Education** may issue a license to an out-of-state applicant if the
17 applicant has met the professional requirements established by rule by the
18 **Teacher Standards and Practices** Commission and has completed a course
19 of study that is acceptable to the [*commission*] **department based on com-**
20 **mission rule.**

21 (2) Applicants granted licenses under this section shall be required to
22 meet all standards required of Oregon teachers, including the requirements
23 of ORS 342.123, not later than two years following the date of initial grant-
24 ing of the license.

25 **SECTION 45.** ORS 342.195 is amended to read:

26 342.195. (1) An otherwise qualified applicant for a preliminary teaching
27 license shall be granted the license upon payment of the required fees and
28 the showing by proof satisfactory to the [*Teacher Standards and Practices*
29 *Commission*] **Department of Education** that:

30 (a) While the applicant was in the Peace Corps program or was a volun-
31 teer under section 603 of the Economic Opportunity Act of 1964 (Public Law

1 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 educator preparation 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*] **department** with
11 documentation of military training or experience that the [*commission*] **de-**
12 **partment** determines is substantially equivalent to the training required for
13 a preliminary teaching license.

14 (2)(a) The **Teacher Standards and Practices** Commission shall establish
15 by 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 46.** ORS 342.200 is amended to read:

22 342.200. In order to allow the school districts of the state to take full
23 advantage of various professional skills and disciplines not directly devel-
24 oped through teaching experience or professional education for which
25 teaching experience is a prerequisite, it is the public policy of the State of
26 Oregon that the [*Teacher Standards and Practices Commission*] **Department**
27 **of Education**, when considering an applicant for an administrative license,
28 shall consider professional skills, education and experience not directly re-
29 lated to, nor contingent upon, teaching experience or training as a classroom
30 teacher.

31 **SECTION 47.** ORS 342.202 is amended to read:

1 342.202. (1) The Department of Education, in partnership with the Teacher
2 Standards and Practices Commission, shall create a comprehensive leader-
3 ship development system for administrators licensed under ORS 342.125.

4 (2) The comprehensive leadership development system must include:

5 (a) A cost-effective plan that requires the coordination of public and pri-
6 vate organizations and resources to:

7 (A) Improve the success of this state's highest needs students;

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

10 (C) Recruit underrepresented persons into the field of public school lead-
11 ership; and

12 (D) Strengthen the capacity of administrators to improve education in
13 public schools in this state;

14 (b) A plan for collaboration and continuous improvement among admin-
15 istrator preparation programs approved by the [*Teacher Standards and*
16 *Practices Commission*] **department** to support performance-based assess-
17 ments for administrators and candidates for administrative licensure;

18 (c) A plan for recruitment of underrepresented persons into administrator
19 leadership programs;

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

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

24 (f) A method for providing research and technical assistance to school
25 districts to encourage the placement of the most highly effective teachers in
26 the highest need schools.

27 **SECTION 48.** ORS 342.203 is amended to read:

28 342.203. (1) The [*Teacher Standards and Practices Commission*] **Depart-**
29 **ment of Education** shall regularly publish information online that can be
30 accessed by school districts, public charter schools and education service
31 districts and that includes the following:

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

4 (b) All candidates enrolled in approved educator preparation programs
5 under ORS 342.147 whose right to apply for a license or registration has been
6 suspended or revoked during the preceding 12 months.

7 (2) If the decision of the **Teacher Standards and Practices** Commission
8 is appealed under ORS 342.180, the name of the teacher, administrator or
9 candidate shall not be published online under subsection (1) of this section
10 unless and until such decision has been sustained by the Court of Appeals
11 or until the appeal has been dropped.

12 **SECTION 49.** ORS 342.223 is amended to read:

13 342.223. (1) For the purpose of requesting a state or nationwide criminal
14 records check under ORS 181A.195, the [*Teacher Standards and Practices*
15 *Commission*] **Department of Education** may require the fingerprints of:

16 (a) A person who is applying for a license or registration under ORS
17 342.120 to 342.430 as a teacher, administrator or personnel specialist if the
18 person has not submitted to a criminal records check by the [*commission*]
19 **department** within the previous three years or has remained continuously
20 licensed by or registered with the [*commission*] **department** for a different
21 license or registration for which the person already has submitted to a
22 criminal records check by the [*commission*] **department**.

23 (b) A person who is applying for reinstatement of a license or registration
24 as a teacher, administrator or personnel specialist, or a certificate as a
25 school nurse, whose license, registration or certificate has lapsed for at least
26 three years.

27 (c) A person who is applying for a certificate under ORS 342.475 as a
28 school nurse.

29 (d) A person who is registering with the [*commission*] **department** for
30 supervised clinical practice experience, practicum or internship as a teacher,
31 administrator or personnel specialist, if the person does not hold a current

1 license issued by the [commission] **department** and has not submitted to a
2 criminal records check by the [commission] **department** within the previous
3 three years for student teaching, practicum or internship as a teacher, ad-
4 ministrator or personnel specialist.

5 (e) A person who is applying for a registration as a public charter school
6 teacher or administrator under ORS 342.125.

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

10 (3) A person may appeal the refusal to issue a license, registration or
11 certificate under this section as a contested case under ORS 183.413 to
12 183.470, but the refusal to renew or reinstate a license or registration is
13 subject to ORS 342.175 to 342.180, and the [commission] **department** shall
14 notify the person of the right to appeal.

15 **SECTION 50.** ORS 342.390 is amended to read:

16 342.390. (1) The Teacher Standards and Practices Commission shall meet
17 at least once every six months at a place, day and hour determined by the
18 commission. The commission shall also meet at such other times and places
19 as are specified by the call of the chairperson or of a majority of the mem-
20 bers of the commission or as required by the [*executive director of the Teacher*
21 *Standards and Practices Commission*] **Superintendent of Public Instruc-**
22 **tion** for the purposes of ORS 339.390.

23 (2) A member of the commission who is employed at a public school or
24 by a private educator preparation provider or by a public university listed
25 in ORS 352.002:

26 (a) May not receive compensation for services as a member.

27 (b) Shall receive actual and necessary travel and other expenses incurred
28 in the performance of official duties as provided by ORS 292.495 (2) and
29 subject to any other applicable law regulating travel and other expenses for
30 state officers.

31 (3) A member of the commission who serves on the commission in the

1 capacity of a district school board member or as a member of the general
2 public shall be entitled to compensation and expenses as provided in ORS
3 292.495 (1) and (2).

4 **SECTION 51.** ORS 342.420 is amended to read:

5 342.420. (1) Membership on the Teacher Standards and Practices Com-
6 mission shall not affect a member's compensation from the employer of the
7 member or any other benefits to which the member is entitled.

8 (2) A school district required to employ a substitute for a teacher or ad-
9 ministrator who is absent from employment while performing duties as a
10 member of the Teacher Standards and Practices Commission shall be entitled
11 to reimbursement for the district's actual expenses in employing the substi-
12 tute. [*Reimbursement for the expense of employing such substitutes shall be*
13 *made by the commission from the Teacher Standards and Practices Commis-*
14 *sion Account.*]

15 **SECTION 52.** ORS 342.425 is amended to read:

16 342.425. (1) The [*executive director of the Teacher Standards and Practices*
17 *Commission*] **Superintendent of Public Instruction, in collaboration with**
18 **the Department of Education, Teacher Standards and Practices Com-**
19 **mission and the Educator Advancement Council,** shall prepare an an-
20 nual report related to the [*duties, powers and functions of the commission*]
21 **educator workforce of this state.**

22 (2) The report required by this section must include:

23 (a) The number of teaching licenses and administrative licenses that have
24 been issued during the previous year.

25 (b) Trends related to the number of licenses issued and types of licenses
26 issued during the previous year as compared to earlier years.

27 (c) Trends related to sanctions imposed on licensees during the previous
28 year as compared to earlier years.

29 (d) A summary of activities occurring during the previous year related to
30 educator preparation programs, including changes made to requirements for
31 approved educator preparation providers, and the status of each educator

1 preparation program in this state.

2 (e) A summary of significant changes to rules during the previous year
3 and other efforts by the [*commission*] **department, commission and coun-**
4 **cil** during the previous year to implement statutes.

5 (f) A summary of placement of students in educator preparation programs,
6 completion rates for students in educator preparation programs and recom-
7 mendations for improving teacher preparation programs.

8 (3) The report required by this section must be submitted to the appro-
9 priate committees or interim committees of the Legislative Assembly no later
10 than July 1 of every year.

11 **SECTION 53.** ORS 342.430 is amended to read:

12 342.430. (1) **The Teacher Licensure Account is established in the**
13 **State Treasury, separate and distinct from the General Fund. Interest**
14 **earned by the account shall be credited to the account.**

15 (2) On or before the 10th day of each month, the [*Teacher Standards and*
16 *Practices Commission*] **Department of Education** shall pay into the [*State*
17 *Treasury*] **Teacher Licensure Account** all moneys received under this
18 chapter. [*The State Treasurer shall credit the moneys to the Teacher Stan-*
19 *dards and Practices Commission Account.*] The moneys in the [*Teacher*
20 *Standards and Practices Commission Account*] **Teacher Licensure Account**
21 are continuously appropriated to the [*commission*] **department** for the pur-
22 pose of paying [*its*] administrative expenses **incurred under this chapter.**

23 **SECTION 54.** ORS 342.443 is amended to read:

24 342.443. (1) The Education and Workforce Policy Advisor shall report
25 biennially to the Legislative Assembly longitudinal data on the number and
26 percentage of:

27 (a) Diverse students enrolled in community colleges;

28 (b) Diverse students enrolled in public universities;

29 (c) Diverse students graduated from public universities;

30 (d) Diverse candidates enrolled in public approved educator preparation
31 programs;

1 (e) Diverse candidates who have completed public approved educator
2 preparation programs;

3 (f) Diverse candidates receiving Oregon teaching or administrative li-
4 censes or registrations based on preparation in this state and preparation in
5 other states;

6 (g) Diverse educators who are newly employed in the public schools in
7 this state; and

8 (h) Diverse educators already employed in the public schools.

9 (2) The advisor also shall report comparisons of scores achieved by di-
10 verse persons and nondiverse persons on basic skills, pedagogy and subject
11 matter tests.

12 (3) The Higher Education Coordinating Commission, the public universi-
13 ties listed in ORS 352.002, the Department of Education, the Teacher Stan-
14 dards and Practices Commission, **the Educator Advancement Council**,
15 community colleges and school districts shall cooperate with the advisor in
16 collecting data and preparing the report.

17 **SECTION 55.** ORS 342.455 is amended to read:

18 342.455. "School nurse" as used in ORS 342.465 and 342.475, means a reg-
19 istered nurse who is certified by the [*Teacher Standards and Practices Com-*
20 *mission*] **Department of Education** as qualified to conduct and coordinate
21 the health services programs of a school.

22 **SECTION 56.** ORS 342.465 is amended to read:

23 342.465. (1) The Teacher Standards and Practices Commission shall adopt
24 by rule standards necessary for the issuance, denial, continuation, renewal,
25 lapse or reinstatement of certificates issued under ORS 342.475 (1) to (3) and
26 for establishment and collection of fees for certification as a school nurse.
27 The [*commission*] **State Board of Education** may adopt by rule procedures
28 for revocation of a certificate issued under ORS 342.475 (1) to (3) that are
29 consistent with ORS 342.175 to 342.180.

30 (2) The Oregon State Board of Nursing shall notify the [*commission*] **De-**
31 **partment of Education** whenever the board takes any action on a license

1 issued under ORS chapter 678 which might affect the ability of the license
2 holder to practice as a school nurse.

3 **SECTION 57.** ORS 342.475 is amended to read:

4 342.475. (1) "School nurse" is established as a category of specialization
5 in nursing.

6 (2) The [*Teacher Standards and Practices Commission*] **Department of**
7 **Education** shall issue a certificate as a school nurse to a person who com-
8 plies with the rules established by the **Teacher Standards and Practices**
9 Commission for the certification and practice of school nursing and who has
10 been licensed by the Oregon State Board of Nursing. In establishing rules
11 for the certification and practice of any specialization of school nursing, the
12 commission shall consider the recommendations of the Oregon State Board
13 of Nursing.

14 (3) The [*commission*] **department** may issue an emergency certificate that
15 authorizes a person licensed as a registered nurse in this state who does not
16 meet the requirements of subsection (2) of this section to practice as a school
17 nurse. Such certificates shall be issued for a limited time as set by the
18 commission.

19 (4) Notwithstanding subsections (1) to (3) of this section, the
20 [*commission*] **department** shall issue a certificate in a school nurse special-
21 ization category to a registered nurse who applies for certification and who
22 is employed by a school, school district or education service district to con-
23 duct and coordinate a school or district health services program or who
24 serves in such a capacity on a voluntary basis on November 1, 1981. A cer-
25 tificate issued under this subsection shall be issued without further proof of
26 qualification by the applicant.

27 (5) A certificate issued under this section is not a teaching license. The
28 nurse holding a certificate issued under this section is not subject to ORS
29 238.280 or 342.805 to 342.937.

30 **SECTION 58.** ORS 342.485 is amended to read:

31 342.485. The Teacher Standards and Practices Commission **and the De-**

1 **partment of Education** shall consult with and advise the Oregon State
2 Board of Nursing on the qualifications and practices involved in school
3 nursing.

4 **SECTION 59.** ORS 342.553 is amended to read:

5 342.553. (1) Upon notice from a district school board of the resignation
6 of a person who is licensed by or registered with the [*Teacher Standards and*
7 *Practices Commission*] **Department of Education**, the **Teacher Standards**
8 **and Practices** Commission may discipline the person if the person entered
9 into a written contract to work in a public school and resigned the position
10 without first providing 60 days' written notice, or the notice required in the
11 applicable collective bargaining agreement, to the district superintendent or
12 the school board.

13 (2) In disciplining a person as provided under this section, the commission
14 shall follow the procedure set forth in ORS 342.175 (4), 342.176 and 342.177.

15 **SECTION 60.** ORS 342.621 is amended to read:

16 342.621. (1) As used in this section:

17 (a) "Classified school employee" includes all employees of a school dis-
18 trict except those for whom a teaching or administrative license is required
19 as a basis for employment in a school district.

20 (b) "Individualized education program" has the meaning given that term
21 in ORS 343.035.

22 (c) "Licensed educator" means a teacher, administrator or other school
23 professional who is licensed, registered or certified by the [*Teacher Stan-*
24 *dards and Practices Commission*] **Department of Education**.

25 (d) "Salary" has the meaning given that term in ORS 653.010.

26 (e) "School district" means:

27 (A) A common school district or a union high school district.

28 (B) An education service district.

29 (2) For each licensed educator or classified school employee who provides
30 significant special education support, as determined under subsection (3) of
31 this section, a school district may pay one or more of the following:

1 (a) An additional percentage of the educator's or employee's salary or
2 hourly wage.

3 (b) Notwithstanding ORS 652.220, a one-time payment in addition to the
4 educator's or employee's salary or hourly wage.

5 (3) For purposes of this section, a licensed educator or a classified school
6 employee provides significant special education support if 75 percent or more
7 of the educator's or employee's student caseload consists of students who
8 have an individualized education program.

9 (4) A salary or wage increase specified in subsection (2) of this section
10 is exclusive of health benefits and other benefits the school district provides
11 to licensed educators or classified school employees or that are otherwise
12 required under the laws of this state.

13 **SECTION 61.** ORS 342.856 is amended to read:

14 342.856. (1) The State Board of Education, in consultation with the
15 Teacher Standards and Practices Commission **and the Educator Advance-**
16 **ment Council**, shall adopt core teaching standards to improve student aca-
17 demic growth and learning by:

18 (a) Assisting school districts in determining the effectiveness of teachers
19 and administrators and in making human resource decisions; and

20 (b) Improving the professional development and the classroom and ad-
21 ministrative practices of teachers and administrators.

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

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

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

29 (c) Be research-based;

30 (d) Be separately developed for teachers and administrators; and

31 (e) Be able to be customized for each school district, which may include

1 individualized weighting and application of standards.

2 (3) The core teaching standards adopted under this section must attempt
3 to:

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

6 (b) Refine the support, assistance and professional growth opportunities
7 offered to a teacher or an administrator, based on the individual needs of the
8 teacher or administrator and the needs of the students, the school and the
9 school district of the teacher or administrator;

10 (c) Allow each teacher or administrator to establish a set of classroom
11 or administrative practices and student learning objectives that are based
12 on the individual circumstances of the teacher or administrator, including
13 the classroom or other assignments of the teacher or administrator;

14 (d) Establish a formative growth process for each teacher and adminis-
15 trator that supports professional learning and collaboration with other
16 teachers and administrators; and

17 (e) Use evaluation methods and professional development, support and
18 other activities that are based on curricular standards and that are targeted
19 to the needs of each teacher and administrator.

20 (4) A school district board must include the core teaching standards
21 adopted under this section for all evaluations of teachers and administrators
22 of the school district. The standards shall be customized based on the
23 collaborative efforts of the teachers and administrators of the school district
24 and the exclusive bargaining representative of the employees of the school
25 district.

26 **SECTION 62.** ORS 342.940 is amended to read:

27 342.940. (1) As used in this section and ORS 342.943, “educator” means a
28 teacher, administrator or other school professional who is licensed, regis-
29 tered or certified by the [*Teacher Standards and Practices Commission*] **De-**
30 **partment of Education.**

31 (2) [*The Educator Advancement Council shall be established and function*

1 *under an intergovernmental agreement, pursuant to ORS 190.003 to 190.130,*
2 *between state agencies and one or more school districts and education service*
3 *districts.] **The Department of Education shall establish the Educator***
4 **Advancement Council.** *The purposes of the council are to provide resources*
5 **and advice** *related to educator professional learning and to provide other*
6 *educator supports.*

7 *[(3) The intergovernmental agreement establishing the council shall outline*
8 *the governance framework and the administrative details necessary for the ef-*
9 *ficient and effective implementation of the duties of the council.]*

10 *[(4)(a) The council shall consist of:]*

11 *[(A) Members who are representatives of the parties to the intergovern-*
12 *mental agreement establishing the council.]*

13 *[(B) No more than 10 members who are practicing educators, classified staff*
14 *in a public school or for an education service district, early learning providers*
15 *and professionals and school district board members.]*

16 *[(C) No more than 10 members who are representatives of educator prepa-*
17 *ration providers, education-focused nonprofit organizations, education-focused*
18 *philanthropic organizations, professional education associations, community-*
19 *based education organizations that represent families and students, post-*
20 *secondary institutions of education and federally recognized Indian tribes of*
21 *this state.]*

22 *[(b) Subject to any limits designated as provided by the intergovernmental*
23 *agreement establishing the council, the majority of the members of the council*
24 *identified under paragraph (a) of this subsection may propose additional*
25 *members of the council. The inclusion of additional members on the council*
26 *shall be subject to the procedures established by the council under the inter-*
27 *governmental agreement.]*

28 *[(5)] **(3)** The council shall:*

29 *(a) Establish a system of educator networks, as described in ORS 342.943,*
30 *by which every educator in this state has access to professional learning*
31 *opportunities;*

1 (b) Administer the beginning teacher and administrator mentorship pro-
2 gram under ORS 329.788 to 329.820;

3 (c) Coordinate the distribution of moneys to educator networks from the
4 Educator Advancement Fund based on the needs of the educators identified
5 by the networks;

6 (d) Connect educator networks and facilitate communications within and
7 among the networks to improve teaching and learning; and

8 (e) Continuously assess the needs of educators in this state and coordi-
9 nate priorities based on the moneys available for distribution from the Edu-
10 cator Advancement Fund.

11 **(4) In fulfilling the purposes of the council, the council shall consult**
12 **with:**

13 **(a) The Department of Early Learning and Care;**

14 **(b) The Teacher Standards and Practices Commission;**

15 **(c) The Higher Education Coordinating Commission;**

16 **(d) School districts; and**

17 **(e) Education service districts.**

18 [(6)] **(5)** The Department of Education shall provide support to the stra-
19 tegic direction of the council by:

20 (a) Conducting and coordinating research to monitor:

21 (A) Teaching and learning conditions;

22 (B) Educator workforce supply and demand; and

23 (C) Common outcomes and measures anticipated to promote improvement
24 in teaching and learning.

25 (b) Assisting the council in coordinating and connecting educator net-
26 works, supporting professional learning priorities, enabling access to profes-
27 sional learning and supports, leveraging funding sources and managing
28 innovation funds.

29 (c) Recommending statutory and agency rule changes needed to support
30 the purposes of the council.

31 (d) Supporting programs that help to achieve the purposes of the Educa-

1 tors Equity Act.

2 (e) Supporting a statewide plan for increasing:

3 (A) The supply of culturally diverse teacher candidates; and

4 (B) The successful recruitment of effective educators to work in high-need
5 schools and in practice areas with a shortage of educators.

6 (f) Identifying high-leverage educator practices to be developed by educa-
7 tors throughout their careers.

8 (g) Providing accountability of the council by ensuring that the council:

9 (A) Gives preference, when making recommendations about funding dis-
10 tributions, to entities that have demonstrated success in improving student
11 indicators.

12 (B) Considers the delivery of services for the benefit of all regions of this
13 state when establishing the system of educator networks.

14 (C) Works toward improving student progress indicators identified by the
15 Department of Education or set forth in ORS 350.014.

16 (D) Includes and connects education providers and leaders from
17 prekindergarten through post-secondary education.

18 (h) Providing staff support for the administrative functions of the council.

19 (i) Developing a system that allows for the statewide dissemination of
20 emerging practices and evidence-based models.

21 (j) Providing technical assistance to the council, including online systems
22 for sharing professional learning resources and supporting educator net-
23 works.

24 (k) Administering the distribution of grant and contract funds for pro-
25 grams described in this section.

26 (L) Providing administrative support to the educator networks, including:

27 (A) Making recommendations to the council about the selection of the
28 sponsors of educator networks;

29 (B) Providing technical assistance to educator networks; and

30 (C) Entering into grant agreements or contracts for the distribution of
31 funds to educator networks.

1 [(7)(a)] **(6)(a)** The State Board of Education and the Teacher Standards
2 and Practices Commission may adopt any rules necessary at the request of
3 the council to support the council or to perform any duties assigned to the
4 board or commission under this section.

5 (b) The council may adopt rules pursuant to ORS chapter 183 for the
6 purposes of ORS 329.788 to 329.820 and 342.943.

7 [(8)] **(7)** The council shall be considered a board for purposes of ORS
8 chapter 180.

9 **SECTION 63.** ORS 342.971 is amended to read:

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

13 (2) The [*Teacher Standards and Practices Commission*] **Department of**
14 **Education** may accept from any source any grant, donation or gift of money
15 or other valuable thing made to the [*commission*] **department** for purposes
16 of the Educator Preparation Improvement Fund.

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

23 (4) The purpose of the Educator Preparation Improvement Fund is to en-
24 courage approved educator preparation programs and school district part-
25 nerships that:

26 (a) Respond to changes in education of students in preprimary programs
27 and grades 1 through 12;

28 (b) Encourage collaboration around delivery models that provide effective
29 professional preparation;

30 (c) Recognize the needs of the education workforce in this state, including
31 but not limited to recruiting underrepresented persons, teachers and admin-

1 istrators to work in high needs areas such as special education, mathematics,
2 science and teaching English to speakers of other languages;

3 (d) Encourage collaborative initiatives that improve student success and
4 postsecondary access and achievement; and

5 (e) Respond to the need for national accreditation of approved educator
6 preparation programs in this state.

7 **SECTION 64.** ORS 343.328 is amended to read:

8 343.328. (1)(a) A parent or a foster parent may, at any time, revoke con-
9 sent for the placement of a student with a disability on an abbreviated school
10 day program.

11 (b) Consent for the abbreviated school day program placement shall be
12 considered revoked if, at any time, the parent or the foster parent revokes
13 the consent, in writing, to an abbreviated school day program placement or
14 makes a written objection to the abbreviated school day program placement.

15 (c) Upon receipt of a written revocation or objection to the abbreviated
16 school day program placement, the school district superintendent shall en-
17 sure that, within five school days or by a later date specified in a written
18 notice provided by the parent or foster parent, the student has meaningful
19 access to the same number of hours of instruction and educational services
20 that are provided to the majority of other students who are in the same
21 grade within the student's resident school district.

22 (d) Notwithstanding paragraph (c) of this subsection, a parent or foster
23 parent of a student may allow the school district superintendent to have an
24 extension of an additional five school days to ensure that the student has
25 meaningful access to the same number of hours of instruction and educa-
26 tional services that are provided to the majority of other students who are
27 in the same grade within the student's resident school district if:

28 (A) The parent or foster parent provides written consent for the exten-
29 sion;

30 (B) The parent or foster parent has not previously provided written con-
31 sent for an extension for the student during the school year;

1 (C) The written consent states that the parent or foster parent under-
2 stands that the parent or foster parent is not required to give consent for
3 the extension and that the refusal to give consent for the extension will not
4 result in adverse actions being taken against the student; and

5 (D) The school district provides to the parent or foster parent, in writing
6 and in a language and format accessible to the parent or foster parent, the
7 specific reasons why the extension is needed.

8 (e) If a school district fails to provide meaningful access before the expi-
9 ration of an extension allowed under paragraph (d) of this subsection, any
10 calculations of compensatory education that must be provided by the school
11 district will be made as though an extension had not been allowed.

12 (f) If a student is on an abbreviated school day program on the last day
13 of the school year and the student's parent or foster parent makes a written
14 objection to the abbreviated school day program placement or revokes con-
15 sent for the abbreviated school day program placement at least 14 calendar
16 days prior to the beginning of the next school year, the student shall, be-
17 ginning on the first day of the new school year, be provided with meaningful
18 access to the same number of hours of instruction and educational services
19 that are provided to the majority of other students who are in the same
20 grade within the student's resident school district.

21 (2)(a) When the Department of Education receives a complaint or other-
22 wise has cause to believe a school district is not in compliance with ORS
23 343.322 (7) and 343.324 (5), the department must initiate an investigation and
24 inform the school district of any noncompliance within 30 calendar days of
25 receiving the complaint or having cause to believe the school district is not
26 in compliance.

27 (b) If a complaint described in paragraph (a) of this subsection relates to
28 a specific student and is submitted by the student's parent or foster parent,
29 the Superintendent of Public Instruction is not required to conduct an in-
30 vestigation and shall:

31 (A) Presume that consent for the abbreviated school day program place-

1 ment has been revoked.

2 (B) Immediately, and in no case no more than two business days after
3 receipt of the complaint, order the school district to provide to the student,
4 within five school days, meaningful access to the same number of hours of
5 instruction and educational services that are provided to the majority of
6 other students who are in the same grade within the student's resident
7 school district. For the purpose of this subparagraph, "business day" has the
8 meaning given that term in ORS 192.311.

9 (C) Find the school district is not in compliance with ORS 343.322 (7) and
10 343.324 (5) if the school district fails to comply with the order described in
11 subparagraph (B) of this paragraph and the parent or foster parent has not
12 granted written consent for an extension as described in subsection (1)(d) of
13 this section.

14 (c) If the superintendent finds that a school district is not in compliance
15 with ORS 343.322 (7) and 343.324 (5), either after an investigation or as pro-
16 vided by paragraph (b) of this subsection, the superintendent shall:

17 (A) Enter an order that any students named in the complaint or identified
18 in the course of an investigation initiated under paragraph (a) of this sub-
19 section who are placed on an abbreviated school day program in violation
20 of ORS 343.322 (7) and 343.324 (5) be provided, within five school days of the
21 final order, with meaningful access to the same number of hours of instruc-
22 tion and educational services that are provided to the majority of other
23 students who are in the same grade within the student's resident school
24 district.

25 (B) If the school district fails to comply with the order described in sub-
26 paragraph (A) of this paragraph within five school days, find the school
27 district nonstandard under ORS 327.103 or 334.217 until all students subject
28 to the order and placed on an abbreviated school day program in violation
29 of ORS 343.322 (7) and 343.324 (5) are provided with meaningful access to the
30 same number of hours of instruction and educational services that are pro-
31 vided to the majority of other students who are in the same grade within the

1 student's resident school district.

2 (C) If the school district fails to comply with the order described in sub-
3 paragraph (A) of this paragraph within 10 school days and notwithstanding
4 any timelines or process requirements of ORS 327.103 or 334.217, immediately
5 withhold State School Fund moneys that otherwise would be distributed to
6 the school district. Amounts withheld must be calculated based on the
7 weighted average daily membership attributable to the students subject to
8 the order, as calculated under ORS 327.013, and the percentage of the school
9 year that the students were placed on an abbreviated school day program in
10 violation of ORS 343.322 (7) and 343.324 (5).

11 (D) Require the school district to provide compensatory education to the
12 students subject to the order that is equivalent to at least one hour of direct
13 instruction for every two hours of instruction that were lost due to an ab-
14 breviated school day program placement in violation of ORS 343.322 (7) and
15 343.324 (5).

16 (3) The failure of a school district superintendent to restore meaningful
17 access to a student within the time required by ORS 343.326 (3)(b)(B) or
18 subsection (1)(c) or (d) of this section or to comply with an order issued
19 under subsection (2)(c) of this section to restore meaningful access to all
20 students subject to the order may be grounds for discipline by the Teacher
21 Standards and Practices Commission under ORS 342.175. If the [*commission*]
22 **Department of Education** receives a complaint concerning a failure de-
23 scribed in this subsection, the commission shall take into consideration the
24 responsive efforts and actions of the superintendent to restore meaningful
25 access to the student or students.

26 **SECTION 65.** ORS 344.059 is amended to read:

27 344.059. The Department of Education shall advance the policy on career
28 and technical education described in ORS 344.055 by:

29 (1) Administering the distribution of grants or entering into contracts for
30 the purpose of expanding teacher training programs related to career and
31 technical education that can lead to high wage and high demand jobs. Grants

1 awarded, or contracts entered into, under this subsection may be funded with
2 moneys available under ORS 327.372 and must:

3 (a) Not exceed \$250,000 per grant or contract;

4 (b) Be awarded to, or be entered with, an educator preparation program
5 or an educator preparation provider, regardless of whether courses are of-
6 fered in a traditional setting, by an alternative delivery method or by an
7 alternative time frame;

8 (c) Be awarded or entered into for an educator preparation program that
9 has a plan for recruiting students to the program;

10 (d) Be used to develop and provide coursework that:

11 (A) Qualifies for credit or as professional development and that satisfies
12 licensure or endorsement requirements; and

13 (B) Is provided in a broad group of instructional areas that are grouped
14 to give context for academic, technical and career learning; and

15 (e) To the extent practicable, align with grant distribution requirements
16 of the Career and Technical Education Revitalization Grant Program de-
17 scribed in ORS 344.075.

18 (2) Developing and supporting the infrastructure for an online system that
19 is accessible statewide and that delivers courses and professional develop-
20 ment to teachers of career and technical education. For the purpose of this
21 subsection, the department may retain up to eight percent of the moneys
22 available to the department under this section.

23 **(3) Establishing and regularly updating the requirements for an**
24 **educator preparation program for prospective career and technical**
25 **education teachers with trade or industry experience. The require-**
26 **ments must:**

27 (a) **Identify a minimum number of required credit hours for a pro-**
28 **gram; and**

29 (b) **Be established and regularly updated based on consultations**
30 **with relevant trade or industry stakeholders, the Teacher Standards**
31 **and Practices Commission, the Educator Advancement Council and**

1 **the Higher Education Coordinating Commission.**

2 [(3)] (4) Collaborating with the Teacher Standards and Practices Com-
3 mission **and the Educator Advancement Council** to:

4 (a) Enable experts in trade or industry to become teachers of career and
5 technical education, **including through a limited license or alternative**
6 **requirements for licensure;**

7 (b) Coordinate communications about career and technical education, in-
8 cluding communications:

9 (A) Intended to identify potential teachers of career and technical educa-
10 tion from trade or industry;

11 (B) With experts in trades or industry about the requirements for transi-
12 tioning from employment in a trade or an industry to teaching; and

13 (C) With educator preparation programs and educator preparation pro-
14 viders about teaching opportunities related to career and technical educa-
15 tion; and

16 (c) Review statutes and rules for necessary changes and to review and
17 recommend alternative methods to increase available funding options.

18 [(4)] (5) Developing and maintaining the website described in ORS 344.141.

19 **SECTION 66.** ORS 348.295 is amended to read:

20 348.295. (1) In addition to any other form of student financial aid au-
21 thorized by law, the Higher Education Coordinating Commission may award
22 scholarships to culturally and linguistically diverse teacher candidates to use
23 at approved educator preparation providers, as defined in ORS 342.120, for
24 the purpose of advancing the goal described in ORS 342.437 (1)(a).

25 (2) Scholarships awarded under this section shall be in amounts of \$12,000
26 each academic year, for a maximum of two academic years.

27 (3) The commission shall adopt rules necessary for the implementation
28 and administration of this section in consultation with the Educator Ad-
29 vancement Council and the Department of Education.

30 (4) As used in this section:

31 (a) "Teacher candidate" means an individual who is preparing to be a

1 teacher or other school professional licensed, registered or certified by the
2 [*Teacher Standards and Practices Commission*] **Department of Education.**

3 (b) “Teacher candidate” does not mean an individual who is preparing to
4 be an administrator.

5 **SECTION 67.** ORS 419B.005 is amended to read:

6 419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
7 quires otherwise:

8 (1)(a) “Abuse” means:

9 (A) Any assault, as defined in ORS chapter 163, of a child and any phys-
10 ical injury to a child that has been caused by other than accidental means,
11 including any injury that appears to be at variance with the explanation
12 given of the injury.

13 (B) Any mental injury to a child, which shall include only cruel or
14 unconscionable acts or statements made, or threatened to be made, to a child
15 if the acts, statements or threats result in severe harm to the child’s psy-
16 chological, cognitive, emotional or social well-being and functioning.

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

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

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

22 (i) Contributing to the sexual delinquency of a minor, as defined in ORS
23 chapter 163, and any other conduct that allows, employs, authorizes, permits,
24 induces or encourages a child to engage in the performing for people to ob-
25 serve or the photographing, filming, tape recording or other exhibition that,
26 in whole or in part, depicts sexual conduct or contact, as defined in ORS
27 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
28 child or rape of a child, but not including any conduct that is part of any
29 investigation conducted pursuant to ORS 419B.020 or that is designed to
30 serve educational or other legitimate purposes; and

31 (ii) Allowing, permitting, encouraging or hiring a child to engage in

1 prostitution as described in ORS 167.007 or a commercial sex act as defined
2 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
3 or to engage in commercial sexual solicitation as described in ORS 167.008.

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

7 (G) Threatened harm to a child, which means subjecting a child to a
8 substantial risk of harm to the child's health or welfare.

9 (H) Buying or selling a person under 18 years of age as described in ORS
10 163.537.

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

13 (J) Unlawful exposure to a controlled substance, as defined in ORS
14 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
15 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
16 the child's health or safety.

17 (K) The restraint or seclusion of a child in violation of ORS 339.285,
18 339.288, 339.291, 339.303 or 339.308.

19 (L) The infliction of corporal punishment on a child in violation of ORS
20 339.250 (9).

21 (b) "Abuse" does not include reasonable discipline unless the discipline
22 results in one of the conditions described in paragraph (a) of this subsection.

23 (2) "Child" means an unmarried person who:

24 (a) Is under 18 years of age; or

25 (b) Is a child in care, as defined in ORS 418.257.

26 (3) "Higher education institution" means:

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

28 (b) A public university listed in ORS 352.002;

29 (c) The Oregon Health and Science University; and

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

31 (4)(a) "Investigation" means a detailed inquiry into or assessment of the

1 safety of a child alleged to have experienced abuse.

2 (b) "Investigation" does not include screening activities conducted upon
3 the receipt of a report.

4 (5) "Law enforcement agency" means:

5 (a) A city or municipal police department.

6 (b) A county sheriff's office.

7 (c) The Oregon State Police.

8 (d) A police department established by a university under ORS 352.121 or
9 353.125.

10 (e) A county juvenile department.

11 (6) "Public or private official" means:

12 (a) Physician or physician assistant licensed under ORS chapter 677 or
13 naturopathic physician, including any intern or resident.

14 (b) Dentist.

15 (c) School employee, including an employee of a higher education insti-
16 tution.

17 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's
18 aide, home health aide or employee of an in-home health service.

19 (e) Employee of the Department of Human Services, Oregon Health Au-
20 thority, Department of Early Learning and Care, Department of Education,
21 Youth Development Division, the Oregon Youth Authority, a local health
22 department, a community mental health program, a community develop-
23 mental disabilities program, a county juvenile department, a child-caring
24 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
25 ment program.

26 (f) Peace officer.

27 (g) Psychologist.

28 (h) Member of the clergy.

29 (i) Regulated social worker.

30 (j) Optometrist.

31 (k) Chiropractor.

- 1 (L) Certified provider of foster care, or an employee thereof.
- 2 (m) Attorney.
- 3 (n) Licensed professional counselor.
- 4 (o) Licensed marriage and family therapist.
- 5 (p) Firefighter or emergency medical services provider.
- 6 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 7 (r) Child care provider registered or certified under ORS 329A.250 to
- 8 329A.450.
- 9 (s) Elected official of a branch of government of this state or a state
- 10 agency, board, commission or department of a branch of government of this
- 11 state or of a city, county or other political subdivision in this state.
- 12 (t) Physical, speech or occupational therapist.
- 13 (u) Audiologist.
- 14 (v) Speech-language pathologist.
- 15 *[(w) Employee of the Teacher Standards and Practices Commission directly*
- 16 *involved in investigations or discipline by the commission.]*
- 17 *[(x)]* (w) Pharmacist.
- 18 *[(y)]* (x) Operator of a preschool recorded program under ORS 329A.255.
- 19 *[(z)]* (y) Operator of a school-age recorded program under ORS 329A.255.
- 20 *[(aa)]* (z) Employee of a private agency or organization facilitating the
- 21 provision of respite services, as defined in ORS 418.205, for parents pursuant
- 22 to a properly executed power of attorney under ORS 109.056.
- 23 *[(bb)]* (aa) Employee of a public or private organization providing child-
- 24 related services or activities:
 - 25 (A) Including but not limited to an employee of a:
 - 26 (i) Youth group or center;
 - 27 (ii) Scout group or camp;
 - 28 (iii) Summer or day camp;
 - 29 (iv) Survival camp; or
 - 30 (v) Group, center or camp that is operated under the guidance, super-
 - 31 vision or auspices of a religious, public or private educational system or a

1 community service organization; and

2 (B) Excluding an employee of a qualified victim services program as de-
3 fined in ORS 147.600 that provides confidential, direct services to victims of
4 domestic violence, sexual assault, stalking or human trafficking.

5 [(cc)] **(bb)** Coach, assistant coach or trainer of an amateur, semiprofes-
6 sional or professional athlete, if compensated and if the athlete is a child.

7 [(dd)] **(cc)** Personal support worker, as defined in ORS 410.600.

8 [(ee)] **(dd)** Home care worker, as defined in ORS 410.600.

9 [(ff)] **(ee)** Animal control officer, as defined in ORS 609.500.

10 [(gg)] **(ff)** Member of a school district board, an education service district
11 board or a public charter school governing body.

12 [(hh)] **(gg)** Individual who is paid by a public body, in accordance with
13 ORS 430.215, to provide a service identified in an individualized service plan
14 of a child with a developmental disability.

15 [(ii)] **(hh)** Referral agent, as defined in ORS 418.351.

16 [(jj)] **(ii)** Parole and probation officer, as defined in ORS 181A.355.

17 [(kk)] **(jj)** Behavior analyst or assistant behavior analyst licensed under
18 ORS 676.810 or behavior analysis interventionist registered by the Health
19 Licensing Office under ORS 676.815.

20 **SECTION 68.** ORS 419B.005, as amended by section 6, chapter 581,
21 Oregon Laws 2023, is amended to read:

22 419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
23 quires otherwise:

24 (1)(a) "Abuse" means:

25 (A) Any assault, as defined in ORS chapter 163, of a child and any phys-
26 ical injury to a child that has been caused by other than accidental means,
27 including any injury that appears to be at variance with the explanation
28 given of the injury.

29 (B) Any mental injury to a child, which shall include only cruel or
30 unconscionable acts or statements made, or threatened to be made, to a child
31 if the acts, statements or threats result in severe harm to the child's psy-

1 chological, cognitive, emotional or

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

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

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

7 (i) Contributing to the sexual delinquency of a minor, as defined in ORS
8 chapter 163, and any other conduct that allows, employs, authorizes, permits,
9 induces or encourages a child to engage in the performing for people to ob-
10 serve or the photographing, filming, tape recording or other exhibition that,
11 in whole or in part, depicts sexual conduct or contact, as defined in ORS
12 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
13 child or rape of a child, but not including any conduct that is part of any
14 investigation conducted pursuant to ORS 419B.020 or that is designed to
15 serve educational or other legitimate purposes; and

16 (ii) Allowing, permitting, encouraging or hiring a child to engage in
17 prostitution as described in ORS 167.007 or a commercial sex act as defined
18 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
19 or to engage in commercial sexual solicitation as described in ORS 167.008.

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

23 (G) Threatened harm to a child, which means subjecting a child to a
24 substantial risk of harm to the child's health or welfare.

25 (H) Buying or selling a person under 18 years of age as described in ORS
26 163.537.

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

29 (J) Unlawful exposure to a controlled substance, as defined in ORS
30 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
31 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to

1 the child's health or safety.

2 (K) The infliction of corporal punishment on a child in violation of ORS
3 339.250 (9).

4 (b) "Abuse" does not include reasonable discipline unless the discipline
5 results in one of the conditions described in paragraph (a) of this subsection.

6 (2) "Child" means an unmarried person who:

7 (a) Is under 18 years of age; or

8 (b) Is a child in care, as defined in ORS 418.257.

9 (3) "Higher education institution" means:

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

11 (b) A public university listed in ORS 352.002;

12 (c) The Oregon Health and Science University; and

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

14 (4)(a) "Investigation" means a detailed inquiry into or assessment of the
15 safety of a child alleged to have experienced abuse.

16 (b) "Investigation" does not include screening activities conducted upon
17 the receipt of a report.

18 (5) "Law enforcement agency" means:

19 (a) A city or municipal police department.

20 (b) A county sheriff's office.

21 (c) The Oregon State Police.

22 (d) A police department established by a university under ORS 352.121 or
23 353.125.

24 (e) A county juvenile department.

25 (6) "Public or private official" means:

26 (a) Physician or physician assistant licensed under ORS chapter 677 or
27 naturopathic physician, including any intern or resident.

28 (b) Dentist.

29 (c) School employee, including an employee of a higher education insti-
30 tution.

31 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's

1 aide, home health aide or employee of an in-home health service.

2 (e) Employee of the Department of Human Services, Oregon Health Au-
3 thority, Department of Early Learning and Care, Department of Education,
4 Youth Development Division, the Oregon Youth Authority, a local health
5 department, a community mental health program, a community develop-
6 mental disabilities program, a county juvenile department, a child-caring
7 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
8 ment program.

9 (f) Peace officer.

10 (g) Psychologist.

11 (h) Member of the clergy.

12 (i) Regulated social worker.

13 (j) Optometrist.

14 (k) Chiropractor.

15 (L) Certified provider of foster care, or an employee thereof.

16 (m) Attorney.

17 (n) Licensed professional counselor.

18 (o) Licensed marriage and family therapist.

19 (p) Firefighter or emergency medical services provider.

20 (q) Court appointed special advocate, as defined in ORS 419A.004.

21 (r) Child care provider registered or certified under ORS 329A.250 to
22 329A.450.

23 (s) Elected official of a branch of government of this state or a state
24 agency, board, commission or department of a branch of government of this
25 state or of a city, county or other political subdivision in this state.

26 (t) Physical, speech or occupational therapist.

27 (u) Audiologist.

28 (v) Speech-language pathologist.

29 *[(w) Employee of the Teacher Standards and Practices Commission directly*
30 *involved in investigations or discipline by the commission.]*

31 *[(x)]* (w) Pharmacist.

1 [(y)] **(x)** Operator of a preschool recorded program under ORS 329A.255.

2 [(z)] **(y)** Operator of a school-age recorded program under ORS 329A.255.

3 [(aa)] **(z)** Employee of a private agency or organization facilitating the
4 provision of respite services, as defined in ORS 418.205, for parents pursuant
5 to a properly executed power of attorney under ORS 109.056.

6 [(bb)] **(aa)** Employee of a public or private organization providing child-
7 related services or activities:

8 (A) Including but not limited to an employee of a:

9 (i) Youth group or center;

10 (ii) Scout group or camp;

11 (iii) Summer or day camp;

12 (iv) Survival camp; or

13 (v) Group, center or camp that is operated under the guidance, super-
14 vision or auspices of a religious, public or private educational system or a
15 community service organization; and

16 (B) Excluding an employee of a qualified victim services program as de-
17 fined in ORS 147.600 that provides confidential, direct services to victims of
18 domestic violence, sexual assault, stalking or human trafficking.

19 [(cc)] **(bb)** Coach, assistant coach or trainer of an amateur, semiprofes-
20 sional or professional athlete, if compensated and if the athlete is a child.

21 [(dd)] **(cc)** Personal support worker, as defined in ORS 410.600.

22 [(ee)] **(dd)** Home care worker, as defined in ORS 410.600.

23 [(ff)] **(ee)** Animal control officer, as defined in ORS 609.500.

24 [(gg)] **(ff)** Member of a school district board, an education service district
25 board or a public charter school governing body.

26 [(hh)] **(gg)** Individual who is paid by a public body, in accordance with
27 ORS 430.215, to provide a service identified in an individualized service plan
28 of a child with a developmental disability.

29 [(ii)] **(hh)** Referral agent, as defined in ORS 418.351.

30 [(jj)] **(ii)** Parole and probation officer, as defined in ORS 181A.355.

31 [(kk)] **(jj)** Behavior analyst or assistant behavior analyst licensed under

1 ORS 676.810 or behavior analysis interventionist registered by the Health
2 Licensing Office under ORS 676.815.

3 **SECTION 69.** ORS 419B.019 is amended to read:

4 419B.019. (1) As used in this section:

5 (a) “Agent” means a person who:

6 (A) Acts as an agent for an education provider in a manner that requires
7 the person to have direct, unsupervised contact with children; and

8 (B) Interacts with a child because of the person’s status as an agent for
9 an education provider.

10 (b) “Contractor” means a person who:

11 (A) Provides services to an education provider under a contract in a
12 manner that requires the person to have direct, unsupervised contact with
13 children; and

14 (B) Interacts with a child because of the person’s status as a contractor
15 for an education provider.

16 (c) “Education provider” has the meaning given that term in ORS 339.370.

17 (d) “School employee” means a person who:

18 (A) Is an employee of an education provider; and

19 (B) Interacts with a child because of the person’s status as an employee
20 of an education provider.

21 (e) “Volunteer” means a person who:

22 (A) Acts as a volunteer for an education provider in a manner that re-
23 quires the person to have direct, unsupervised contact with children; and

24 (B) Interacts with a child because of the person’s status as a volunteer
25 of an education provider.

26 (2) A law enforcement agency or the Department of Human Services must
27 conduct an investigation as provided by ORS 419B.020 if the law enforcement
28 agency or department receives a report of abuse that involves a child and a
29 person who is a school employee, contractor, agent or volunteer.

30 (3) A law enforcement agency shall notify the department as provided by
31 ORS 419B.015 if the law enforcement agency receives a report described in

1 subsection (2) of this section. The department shall notify a law enforcement
2 agency as provided by ORS 419B.015 if the department receives a report de-
3 scribed in subsection (2) of this section. The department shall ensure that
4 an investigation related to the report is conducted if the report is not in-
5 vestigated by a law enforcement agency.

6 (4)(a) Within three business days of receiving a report or notification of
7 a report described in subsection (2) of this section, the department shall no-
8 tify:

9 (A) The appropriate education provider to ensure the safety of the child,
10 if the department believes the report of suspected abuse involves the child
11 and a person who is a school employee, contractor, agent or volunteer;

12 (B) The [*Teacher Standards and Practices Commission*] **Department of**
13 **Education**, if the Department **of Human Services** believes the school em-
14 ployee, contractor, agent or volunteer is licensed, registered or certified by
15 the [*commission*] **Department of Education**; or

16 (C) The Department of Education, if the Department of Human Services
17 believes the report of suspected abuse:

18 (i) Occurred in a school or was related to a school-sponsored activity; or

19 (ii) Involves a child and a person who is a school employee, contractor,
20 agent or volunteer and whose conduct may be subject to actions taken by the
21 Department of Education under ORS 339.370 to 339.400.

22 (b) For the purpose of notification made under this subsection, the De-
23 partment of Human Services may not disclose the name and address of, and
24 other identifying information about, the person who made the report, but the
25 department shall make available any information necessary to ensure the
26 safety of the child, including the name of the school and the name of the
27 person who may have conducted the suspected abuse. Except as provided by
28 ORS 339.389, any person or entity to whom notification is made under this
29 subsection may not release any information not authorized by this sub-
30 section.

31 (c) When the Department of Education receives notification under this

1 subsection, the department shall act under, and is subject to, ORS 339.389.

2 (5) The Department of Human Services shall submit a report on the first
3 day of every calendar quarter to the committees or interim committees of the
4 Legislative Assembly related to child welfare, for the purposes of public re-
5 view and oversight of the quality and safety of education providers. Infor-
6 mation provided in reports under this subsection may not contain the name
7 of a child or any identifying information about a child. The reports must
8 contain all of the following information about each investigation described
9 in subsection (2) of this section that resulted in a finding, during the pre-
10 ceding quarter, that the report of abuse was substantiated:

11 (a) The name of the education provider where the department conducted
12 the investigation;

13 (b) The approximate date that the abuse occurred;

14 (c) The nature of the abuse and a brief narrative description of the abuse
15 that occurred; and

16 (d) Whether a reportable injury, sexual abuse or death resulted from the
17 abuse.

18 (6) The department may adopt any rules necessary for the administration
19 of this section.

20 **SECTION 70.** ORS 419B.035 is amended to read:

21 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170,
22 192.210 to 192.478 and 192.610 to 192.810 relating to confidentiality and ac-
23 cessibility for public inspection of public records and public documents, re-
24 ports and records compiled under the provisions of ORS 419B.010 to 419B.050
25 are confidential and may not be disclosed except as provided in this section.

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

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

29 (b) Any physician, physician assistant licensed under ORS 677.505 to
30 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390, at the
31 request of the physician, physician assistant or nurse practitioner, regarding

1 any child brought to the physician, physician assistant or nurse practitioner
2 or coming before the physician, physician assistant or nurse practitioner for
3 examination, care or treatment;

4 (c) Attorneys of record for the child or child's parent or guardian in any
5 juvenile court proceeding;

6 (d) Citizen review boards established by the Judicial Department for the
7 purpose of periodically reviewing the status of children, youths and adjudi-
8 cated youths under the jurisdiction of the juvenile court under ORS 419B.100
9 and 419C.005. Citizen review boards may make such records available to
10 participants in case reviews;

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

14 (f) The Department of Early Learning and Care for the purpose of carry-
15 ing out the functions of the department, including the certification, regis-
16 tration or regulation of child care facilities and child care providers and the
17 administration of enrollment in the Central Background Registry;

18 (g) The Office of Children's Advocate;

19 (h) The **Department of Education and the** Teacher Standards and
20 Practices Commission for investigations conducted under ORS 339.390 or
21 342.176 involving any child or any student **and any related discipline**;

22 (i) Any person, upon request to the Department of Human Services, if the
23 reports or records requested regard an incident in which a child, as the re-
24 sult of abuse, died or suffered serious physical injury as defined in ORS
25 161.015. Reports or records disclosed under this paragraph must be disclosed
26 in accordance with ORS 192.311 to 192.478;

27 (j) The Department of Early Learning and Care for purposes of applica-
28 tions described in ORS 329A.030 (11)(c)(G) to (J);

29 (k) With respect to a report of abuse occurring at a school or in an edu-
30 cational setting that involves a child with a disability, Disability Rights
31 Oregon;

1 (L) The Department of Education for purposes of investigations conducted
2 under ORS 339.391;

3 (m) An education provider for the purpose of making determinations un-
4 der ORS 339.388; and

5 (n) A national nonprofit organization designated by the Department of
6 Human Services that provides assistance with locating, recovering or pro-
7 viding services to children or youth determined by the department to be
8 missing.

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 record
18 of abuse regarding a child who, as the result of abuse, died or suffered seri-
19 ous physical injury as defined in ORS 161.015, the department may disclose
20 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-
31 section or subsection (1) or (2) of this section. The name, address and other

1 identifying information about the person who made the report may not be
2 disclosed pursuant to this subsection and subsection (1) of this section.

3 (4) A law enforcement agency may make reports and records compiled
4 under the provisions of ORS 419B.010 to 419B.050 available to other law
5 enforcement agencies, district attorneys, city attorneys with criminal
6 prosecutorial functions and the Attorney General when the law enforcement
7 agency determines that disclosure is necessary for the investigation or
8 enforcement of laws relating to child abuse and neglect or necessary to de-
9 termine a claim for crime victim compensation under ORS 147.005 to 147.367.

10 (5)(a) 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:

13 (A) Any law enforcement agency or community corrections agency in this
14 state, to the Department of Corrections, to the Oregon Youth Authority or
15 to the State Board of Parole and Post-Prison Supervision for the purpose of
16 managing and supervising offenders in custody or on probation, parole,
17 post-prison supervision or other form of conditional or supervised release;
18 and

19 (B) The **Department of Education and the** Teacher Standards and
20 Practices Commission for investigations conducted under ORS 339.390 and
21 342.176 **and any related discipline.**

22 (b) A law enforcement agency may make reports and records compiled
23 under the provisions of ORS 419B.010 to 419B.050 available to the Oregon
24 Youth Authority, the **Department of Education and the** Teacher Stan-
25 dards and Practices Commission for investigations conducted under ORS
26 339.390 and 342.176, law enforcement, community corrections, corrections or
27 parole agencies in an open case when the law enforcement agency determines
28 that the disclosure will not interfere with an ongoing investigation in the
29 case.

30 (c) The name, address and other identifying information about the person
31 who made the report may not be disclosed under this subsection or sub-

1 section (6)(b) of this section.

2 (6)(a) Any record made available to a law enforcement agency or com-
3 munity corrections agency in this state, to the Department of Corrections,
4 the Oregon Youth Authority, the State Board of Parole and Post-Prison
5 Supervision, **the Department of Education** or the Teacher Standards and
6 Practices Commission or to a physician, physician assistant or nurse practi-
7 tioner in this state, as authorized by subsections (1) to (5) of this section,
8 shall be kept confidential by the agency, department, board, commission,
9 physician, physician assistant or nurse practitioner. Any record or report
10 disclosed by the Department of Human Services to other persons or entities
11 pursuant to subsections (1) and (3) of this section shall be kept confidential.

12 (b) Notwithstanding paragraph (a) of this subsection:

13 (A) A law enforcement agency, a community corrections agency, the De-
14 partment of Corrections, the Oregon Youth Authority and the State Board
15 of Parole and Post-Prison Supervision may disclose records made available
16 to them under subsection (5) of this section to each other, to law enforce-
17 ment, community corrections, corrections and parole agencies of other states
18 and to authorized treatment providers for the purpose of managing and
19 supervising offenders in custody or on probation, parole, post-prison super-
20 vision or other form of conditional or supervised release.

21 (B) The Department of Corrections and the Oregon Youth Authority may
22 disclose records made available to them under subsection (5) of this section
23 regarding a person in the custody of the Department of Corrections or the
24 Oregon Youth Authority to each other, to the court, to the district attorney
25 and to the person's attorney for the purpose of the person's hearing under
26 ORS 420A.200 to 420A.206.

27 (C) A person may disclose records made available to the person under
28 subsection (1)(i) of this section if the records are disclosed for the purpose
29 of advancing the public interest.

30 (7) Except as provided by ORS 339.389, an officer or employee of the De-
31 partment of Human Services or of a law enforcement agency or any person

1 or entity to whom disclosure is made pursuant to subsections (1) to (6) of this
2 section may not release any information not authorized by subsections (1) to
3 (6) of this section.

4 (8) A record of sexual orientation, gender identity or gender expression,
5 as defined in ORS 409.225, is exempt from disclosure under subsection (1) of
6 this section unless:

7 (a) The department determines, in written findings, that failure to disclose
8 the record is reasonably likely to jeopardize the child's safety or well-being;

9 (b) The department determines, in written findings, that disclosure of the
10 record is necessary to provide services to the child or the child's family; or

11 (c) The child consents to the disclosure.

12 (9) As used in this section, "law enforcement agency" has the meaning
13 given that term in ORS 181A.010.

14 (10) A person who violates subsection (6)(a) or (7) of this section commits
15 a Class A violation.

16 **SECTION 71.** ORS 675.520 is amended to read:

17 675.520. (1) A person may not use any title, words or abbreviations, in-
18 cluding the title "social worker," that indicate that the person has an au-
19 thorization to practice regulated social work unless the person is a regulated
20 social worker.

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

22 (a) The use of the educational designations "Bachelor of Social Work" or
23 "Master's of Social Work" by a person who is not a regulated social worker;

24 or

25 (b) The use of the title "school social worker" by a person who:

26 (A) Is not a regulated social worker;

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

29 (C) Is licensed as a school social worker by the [*Teacher Standards and*
30 *Practices Commission*] **Department of Education.**

31 **SECTION 72.** ORS 676.866 is amended to read:

- 1 676.866. (1) As used in this section:
- 2 (a) “Board” means:
- 3 (A) The Oregon Board of Psychology;
- 4 (B) The Oregon Board of Licensed Professional Counselors and Thera-
- 5 pists;
- 6 (C) The State Board of Licensed Social Workers;
- 7 [(D) *The Teacher Standards and Practices Commission; and*]
- 8 **(D) The Department of Education; and**
- 9 (E) The Traditional Health Workers Commission.
- 10 (b) “Licensee” means:
- 11 (A) A clinical social worker, as defined in ORS 675.510;
- 12 (B) A regulated social worker, as defined in ORS 675.510;
- 13 (C) A licensed marriage and family therapist, as defined in ORS 675.705;
- 14 (D) A licensed psychologist, as defined in ORS 675.010;
- 15 (E) A licensed professional counselor, as defined in ORS 675.705;
- 16 (F) A school counselor, as defined by rule by the Teacher Standards and
- 17 Practices Commission; and
- 18 (G) The following professionals regulated by the Oregon Health Authority
- 19 by rules adopted pursuant to subsection (9) of this section or employed in a
- 20 program operated or overseen by the authority:
- 21 (i) A qualified mental health associate;
- 22 (ii) A qualified mental health professional;
- 23 (iii) A certified alcohol and drug counselor;
- 24 (iv) A prevention specialist;
- 25 (v) A problem gambling treatment provider;
- 26 (vi) A recovery mentor;
- 27 (vii) A community health worker;
- 28 (viii) A personal health navigator;
- 29 (ix) A personal support specialist;
- 30 (x) A peer wellness specialist;
- 31 (xi) A doula;

- 1 (xii) A family support specialist;
- 2 (xiii) A youth support specialist; and
- 3 (xiv) A peer support specialist.

4 (2)(a) The authority and a board shall require a licensee regulated by the
5 authority or the board to complete two hours every two years or three hours
6 every three years of continuing education related to suicide risk assessment,
7 treatment and management and report to the authority or the board the
8 licensee's completion of the continuing education described in this sub-
9 section. The authority and the board shall ensure that the timelines for
10 completion of the continuing education align with the licensee's professional
11 authorization issuance and renewal timelines.

12 (b) The authority and a board shall approve continuing education oppor-
13 tunities that are applicable and relevant to the licensees regulated by the
14 authority or the board. A board may encourage a licensee regulated by the
15 board to complete continuing education opportunities recommended by the
16 authority.

17 (3) A licensee shall report the completion of the continuing education
18 described in subsection (2) of this section to the board that regulates the
19 licensee or to the authority if the licensee is a professional listed in sub-
20 section (1)(b)(G) of this section.

21 (4)(a) The authority and a board shall document completion of the con-
22 tinuing education described in subsection (2) of this section by a licensee
23 regulated by the authority or a board.

24 (b) In consultation with the authority, a board shall adopt rules requiring
25 licensees to submit documentation of completion to the board.

26 (c) The authority shall adopt rules requiring licensees regulated by the
27 authority to submit documentation of completion to the authority.

28 (5) The authority and a board may adopt rules to:

29 (a) Identify the experience and training that a licensee regulated by the
30 authority or the board must have in order to be exempt from the require-
31 ments of subsection (2) of this section.

1 (b) Allow the concurrent completion of continuing education described in
2 subsection (2) of this section with continuing education opportunities related
3 to professional ethics or cultural competency if the opportunities also pro-
4 vide the continuing education described in subsection (2) of this section.

5 (6) A board, on or before March 1 of each odd-numbered year, shall report
6 to the authority on the information described in subsection (4) of this sec-
7 tion, as well as information about the implementation of the continuing ed-
8 ucation described in subsection (2) of this section.

9 (7) The authority, on or before August 1 of each odd-numbered year, shall
10 report to the interim committees of the Legislative Assembly related to
11 health care on the information submitted to the authority under subsection
12 (6) of this section and information collected by the authority under sub-
13 section (4) of this section. The authority shall remove any personally iden-
14 tifiable information collected by or submitted to the authority under
15 subsection (4) or (6) of this section.

16 (8) The authority may use the information collected by the authority un-
17 der subsection (4) of this section in conjunction with the information de-
18 scribed in ORS 676.860 to facilitate improvements in suicide risk assessment,
19 treatment and management efforts in this state.

20 (9)(a) The authority and a board may adopt rules to carry out this section.

21 (b) The authority may adopt rules to define and regulate the professions
22 listed in subsection (1)(b)(G) of this section.

23 **SECTION 73.** ORS 681.230 is amended to read:

24 681.230. (1) Without obtaining a license under this chapter, a person may
25 use a procedure included in the practice of speech-language pathology or
26 audiology if the procedure is within the person's scope of practice and the
27 person is:

28 (a) Licensed by a health professional regulatory board as defined in ORS
29 676.160;

30 (b) Performing basic audiometric testing under the supervision of a phy-
31 sician licensed under ORS chapter 677 or a naturopathic physician licensed

1 under ORS chapter 685 and representing that the person is a medical assist-
2 ant or audiology assistant;

3 (c) A teacher who is licensed by the [*Teacher Standards and Practices*
4 *Commission*] **Department of Education** and who holds a hearing impaired
5 endorsement issued by the [*commission*] **department**;

6 (d) A student participating in supervised field work or supervised course
7 work in speech-language pathology or audiology as part of a college or uni-
8 versity program approved by the State Board of Examiners for Speech-
9 Language Pathology and Audiology; or

10 (e) A student taking an undergraduate course in speech-language
11 pathology approved by the board.

12 (2) A person practicing speech-language pathology or audiology without
13 a license under subsection (1) of this section may not represent or imply that
14 the person is a speech-language pathologist, speech-language pathology as-
15 sistant or audiologist.

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

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

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

22 (4) Without obtaining a license under this chapter, a person may:

23 (a) Consult with or disseminate the person's research findings and scien-
24 tific information to an accredited academic institution or a governmental
25 agency; and

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

27 **SECTION 74.** ORS 681.360 is amended to read:

28 681.360. (1) A person may not perform the duties of a speech-language
29 pathology assistant or use the title speech-language pathology assistant
30 without a certificate to do so issued under this section.

31 (2) To obtain a certificate to perform the duties of a speech-language

1 pathology assistant, a person shall:

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

4 (b) Pay the certificate fee established by the board;

5 (c) Demonstrate that the person meets the qualifications for certification
6 established by the board; and

7 (d) Comply with all other requirements for certification established by the
8 board.

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

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

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

14 (c) Comply with all other requirements for certificate renewal established
15 by the board, including but not limited to submission of evidence of partic-
16 ipation in professional development activities.

17 (4) A person may not employ or otherwise use the services of a speech-
18 language pathology assistant unless the speech-language pathology assistant
19 is certified under this section.

20 (5) The board may establish by rule qualifications and conditions under
21 which a person not licensed under this chapter who holds a preliminary
22 teaching license or professional teaching license in speech impaired or a
23 preliminary teaching license, professional teaching license or distinguished
24 teacher leader license in communication disorders issued by the [*Teacher*
25 *Standards and Practices Commission*] **Department of Education** may su-
26 pervise a speech-language pathology assistant working in a school.

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

30 **SECTION 75. ORS 342.410 and 344.062 are repealed.**

31 **SECTION 76. (1) Section 1 of this 2024 Act and the amendments to**

1 **ORS 181A.180, 326.726, 329.496, 329.603, 329.788, 336.635, 336.680, 338.120,**
2 **338.135, 339.250, 339.370, 339.372, 339.374, 339.378, 339.388, 339.389, 339.390,**
3 **339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130,**
4 **342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173,**
5 **342.175, 342.176, 342.177, 342.183, 342.192, 342.195, 342.200, 342.202, 342.203,**
6 **342.223, 342.350, 342.390, 342.420, 342.425, 342.430, 342.443, 342.455, 342.465,**
7 **342.475, 342.485, 342.553, 342.621, 342.856, 342.940, 342.971, 343.328, 344.059,**
8 **348.295, 419B.005, 419B.019, 419B.035, 675.520, 676.866, 681.230 and 681.360**
9 **and section 4, chapter 756, Oregon Laws 2015, and section 9a, chapter**
10 **518, Oregon Laws 2021, by sections 2 to 74 of this 2024 Act and the re-**
11 **peal of ORS 342.410 and 344.062 by section 75 of this 2024 Act become**
12 **operative on July 1, 2025.**

13 **(2) Notwithstanding the operative date set forth in subsection (1)**
14 **of this section, the Teacher Standards and Practices Commission, the**
15 **State Board of Education, the Department of Education and the Edu-**
16 **cator Advancement Council may take any action before the operative**
17 **date set forth in subsection (1) of this section that is necessary for the**
18 **Department of Education to exercise, on and after the operative date**
19 **set forth in subsection (1) of this section, all of the duties, functions**
20 **and powers conferred on the department by section 1 of this 2024 Act**
21 **and the amendments to ORS 181A.180, 326.726, 329.496, 329.603, 329.788,**
22 **336.635, 336.680, 338.120, 338.135, 339.250, 339.370, 339.372, 339.374, 339.378,**
23 **339.388, 339.389, 339.390, 339.391, 341.535, 342.120, 342.121, 342.122, 342.123,**
24 **342.125, 342.127, 342.130, 342.136, 342.137, 342.138, 342.143, 342.144, 342.147,**
25 **342.153, 342.165, 342.173, 342.175, 342.176, 342.177, 342.183, 342.192, 342.195,**
26 **342.200, 342.202, 342.203, 342.223, 342.350, 342.390, 342.420, 342.425, 342.430,**
27 **342.443, 342.455, 342.465, 342.475, 342.485, 342.553, 342.621, 342.856, 342.940,**
28 **342.971, 343.328, 344.059, 348.295, 419B.005, 419B.019, 419B.035, 675.520,**
29 **676.866, 681.230 and 681.360 and section 4, chapter 756, Oregon Laws**
30 **2015, and section 9a, chapter 518, Oregon Laws 2021, by sections 2 to**
31 **74 of this 2024 Act and the repeal of ORS 342.410 and 344.062 by section**

1 **75 of this 2024 Act.**

2 **(3) No later than September 15, 2024, the Teacher Standards and**
3 **Practices Commission, the State Board of Education, the Department**
4 **of Education and the Educator Advancement Council shall submit a**
5 **report concerning the progress of the transfer of duties, functions and**
6 **powers to the interim committees of the Legislative Assembly related**
7 **to education.**

8 **SECTION 77. (1) The executive director of the Teacher Standards**
9 **and Practices Commission shall:**

10 **(a) Deliver to the Department of Education all records and property**
11 **within the jurisdiction of the executive director that relate to the du-**
12 **ties, functions and powers transferred by section 1 of this 2024 Act; and**

13 **(b) Transfer to the Department of Education those employees en-**
14 **gaged primarily in the exercise of the duties, functions and powers**
15 **transferred by section 1 of this 2024 Act.**

16 **(2) The Superintendent of Public Instruction shall take possession**
17 **of the records and property, and shall take charge of the employees**
18 **and employ them in the exercise of the duties, functions and powers**
19 **transferred by section 1 of this 2024 Act, without reduction of com-**
20 **penetration but subject to change or termination of employment or**
21 **compensation as provided by law.**

22 **(3) The Governor shall resolve any dispute between the Teacher**
23 **Standards and Practices Commission and the Department of Education**
24 **relating to transfers of records, property and employees under this**
25 **section, and the Governor's decision is final.**

26 **SECTION 78. (1) The unexpended balances of amounts authorized**
27 **to be expended by the Teacher Standards and Practices Commission**
28 **for the biennium beginning July 1, 2023, from revenues dedicated,**
29 **continuously appropriated, appropriated or otherwise made available**
30 **for the purpose of administering and enforcing the duties, functions**
31 **and powers transferred by section 1 of this 2024 Act are transferred to**

1 and are available for expenditure by the Department of Education for
2 the biennium beginning July 1, 2025, for the purpose of administering
3 and enforcing the duties, functions and powers transferred by section
4 1 of this 2024 Act.

5 (2) The expenditure classifications, if any, established by Acts au-
6 thorizing or limiting expenditures by the Teacher Standards and
7 Practices Commission remain applicable to expenditures by the De-
8 partment of Education under this section.

9 SECTION 79. The transfer of duties, functions and powers to the
10 Department of Education by section 1 of this 2024 Act does not affect
11 any action, proceeding or prosecution involving or with respect to the
12 duties, functions and powers begun before and pending at the time of
13 the transfer, except that the Department of Education is substituted
14 for the Teacher Standards and Practices Commission in the action,
15 proceeding or prosecution.

16 SECTION 80. (1) Nothing in the amendments to ORS 181A.180,
17 326.726, 329.496, 329.603, 329.788, 336.635, 336.680, 338.120, 338.135, 339.250,
18 339.370, 339.372, 339.374, 339.378, 339.388, 339.389, 339.390, 339.391, 341.535,
19 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130, 342.136, 342.137,
20 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173, 342.175, 342.176,
21 342.177, 342.183, 342.192, 342.195, 342.200, 342.202, 342.203, 342.223, 342.350,
22 342.390, 342.420, 342.425, 342.430, 342.443, 342.455, 342.465, 342.475, 342.485,
23 342.553, 342.621, 342.856, 342.940, 342.971, 343.328, 344.059, 348.295, 419B.005,
24 419B.019, 419B.035, 675.520, 676.866, 681.230 and 681.360 and section 4,
25 chapter 756, Oregon Laws 2015, and section 9a, chapter 518, Oregon
26 Laws 2021, by sections 2 to 74 of this 2024 Act or the repeal of ORS
27 342.410 and 344.062 by section 75 of this 2024 Act relieves a person of a
28 liability, duty or obligation accruing under or with respect to the du-
29 ties, functions and powers transferred by section 1 of this 2024 Act.
30 The Department of Education may undertake the collection or
31 enforcement of any such liability, duty or obligation.

1 **(2)(a) The rights and obligations of the Teacher Standards and**
2 **Practices Commission legally incurred under contracts, leases and**
3 **business transactions executed, entered into or begun before the op-**
4 **erative date of section 1 of this 2024 Act accruing under or with respect**
5 **to the duties, functions and powers transferred by section 1 of this 2024**
6 **Act are transferred to the Department of Education. For the purpose**
7 **of succession to these rights and obligations, the Department of Edu-**
8 **cation is a continuation of the Teacher Standards and Practices Com-**
9 **mission and not a new authority.**

10 **(b) The rights and obligations of the Educator Advancement Coun-**
11 **cil legally incurred under contracts, leases and business transactions**
12 **executed, entered into or begun before the operative date of the**
13 **amendments to ORS 342.940 by section 62 of this 2024 Act accruing**
14 **under or with respect to the duties, functions and powers transferred**
15 **by the amendments to ORS 342.940 by section 62 of this 2024 Act are**
16 **transferred to the Department of Education. For the purpose of suc-**
17 **cession to these rights and obligations, the Department of Education**
18 **is a continuation of the Educator Advancement Council and not a new**
19 **authority.**

20 **SECTION 81.** (1) **Notwithstanding the transfer of duties, functions**
21 **and powers by section 1 of this 2024 Act, the rules of the Teacher**
22 **Standards and Practices Commission with respect to such duties,**
23 **functions or powers that are in effect on the operative date of section**
24 **1 of this 2024 Act continue in effect until superseded or repealed by**
25 **rules of the State Board of Education. References in the rules of the**
26 **Teacher Standards and Practices Commission to the Teacher Stan-**
27 **dards and Practices Commission or an officer or employee of the**
28 **Teacher Standards and Practices Commission are considered to be**
29 **references to the Department of Education or an officer or employee**
30 **of the Department of Education.**

31 **(2) Notwithstanding the transfer of duties, functions and powers by**

1 the amendments to ORS 342.940 by section 62 of this 2024 Act, the rules
2 of the Educator Advancement Council with respect to such duties,
3 functions or powers that are in effect on the operative date of the
4 amendments to ORS 342.940 by section 62 of this 2024 Act continue in
5 effect until superseded or repealed by rules of the State Board of Ed-
6 ucation. References in the rules of the Educator Advancement Council
7 to the Educator Advancement Council or an officer or employee of the
8 Educator Advancement Council are considered to be references to the
9 Department of Education or an officer or employee of the Department
10 of Education.

11 **SECTION 82.** (1) Whenever, in any uncodified law or resolution of
12 the Legislative Assembly or in any rule, document, record or pro-
13 ceeding authorized by the Legislative Assembly, in the context of the
14 duties, functions and powers transferred by section 1 of this 2024 Act,
15 reference is made to the Teacher Standards and Practices Commission,
16 or an officer or employee of the Teacher Standards and Practices
17 Commission, whose duties, functions or powers are transferred by
18 section 1 of this 2024 Act, the reference is considered to be a reference
19 to the Department of Education or an officer or employee of the De-
20 partment of Education who by this 2024 Act is charged with carrying
21 out the duties, functions and powers.

22 (2) Whenever, in any uncodified law or resolution of the Legislative
23 Assembly or in any rule, document, record or proceeding authorized
24 by the Legislative Assembly, in the context of the duties, functions
25 and powers transferred by the amendments to ORS 342.940 by section
26 62 of this 2024 Act, reference is made to the Educator Advancement
27 Council, or an officer or employee of the Educator Advancement
28 Council, whose duties, functions or powers are transferred by the
29 amendments to ORS 342.940 by section 62 of this 2024 Act, the reference
30 is considered to be a reference to the Department of Education or an
31 officer or employee of the Department of Education who by this 2024

1 **Act is charged with carrying out the duties, functions and powers.**

2 **SECTION 83. This 2024 Act being necessary for the immediate**
3 **preservation of the public peace, health and safety, an emergency is**
4 **declared to exist, and this 2024 Act takes effect on its passage.**

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