

DRAFT

SUMMARY

Digest: Requires some school staff who are not teachers, including staff who serve a child with a disability, to meet certain standards. (Flesch Readability Score: 60.6).

Directs the State Board of Education to adopt rules related to standards for instructional assistants.

A BILL FOR AN ACT

1
2 Relating to standards for instructional assistants; creating new provisions;
3 and amending ORS 327.298, 327.341, 332.505, 342.120, 342.208, 343.041,
4 343.055 and 657.010.

5 Whereas students who are a child with a disability in this state deserve
6 qualified staff to assist them in school; and

7 Whereas the Individuals with Disabilities Education Act and federal reg-
8 ulations require the State of Oregon to set standards for school personnel
9 and paraprofessionals who serve students who are a child with a disability;
10 and

11 Whereas current Oregon administrative rules do not set out such stan-
12 dards; now, therefore,

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

14 **SECTION 1.** ORS 343.041 is amended to read:

15 343.041. (1) Pursuant to rules of the State Board of Education, the Su-
16 perintendent of Public Instruction shall be responsible for the general
17 supervision of all special education programs for children with disabilities,
18 early childhood special education and early intervention services for pre-
19 school children with disabilities within the state, including all such pro-

1 grams administered by any state agency or common or union high school
2 district or education service district.

3 (2) All special education programs for children with disabilities, early
4 childhood special education and early intervention services for preschool
5 children with disabilities within this state shall meet the standards and cri-
6 teria established therefor by the State Board of Education.

7 (3) The State Board of Education shall adopt by rule procedures whereby
8 the superintendent investigates and resolves complaints that the Department
9 of Education, a local education agency or an early intervention or early
10 childhood special education contractor has violated a federal law or statute
11 that applies to a special education or early childhood special education pro-
12 gram. Complaint procedures must comply with the provisions of ORS 343.165.

13 (4) The State Board of Education shall adopt rules relating to the estab-
14 lishment and maintenance of standards to ensure that personnel providing
15 special education and early childhood special education and early inter-
16 vention services are appropriately and adequately trained. **Standards for**
17 **instructional assistants must comply with the provisions of section 3**
18 **of this 2025 Act.**

19 (5) The Governor shall direct that agencies affected by this section enter
20 into cooperative agreements to achieve necessary uniformity in meeting the
21 standards and criteria established by the state board under subsection (2) of
22 this section.

23 (6) The Governor shall direct that each public agency obligated under
24 federal or state law to provide or pay for any services that are also consid-
25 ered special education or related services necessary for ensuring a free ap-
26 propriate public education to children with disabilities, including but not
27 limited to the Department of Human Services, enter into cooperative agree-
28 ments with the Department of Education concerning:

29 (a) Allocation among agencies of financial responsibility for providing
30 services;

31 (b) Conditions, terms and procedures for reimbursement; and

1 (c) Policies and procedures for coordinating timely and appropriate de-
2 livery of services.

3 (7) All cooperative agreements entered into under subsections (5) and (6)
4 of this section shall include procedures for resolving interagency disputes.

5 **SECTION 2. Section 3 of this 2025 Act is added to and made a part**
6 **of ORS chapter 343.**

7 **SECTION 3. (1) As used in this section:**

8 (a) **“Instructional assistant” has the meaning given that term in**
9 **ORS 332.505.**

10 (b) **“School district” means:**

11 (A) **A common school district or a union high school district; or**

12 (B) **An education service district.**

13 (2) **The State Board of Education shall adopt rules that establish**
14 **standards to ensure that instructional assistants are appropriately and**
15 **adequately prepared and trained to provide support to a student who**
16 **is a child with a disability to the extent necessary to comply with this**
17 **chapter and the Individuals with Disabilities Education Act, 20 U.S.C.**
18 **1400 et seq. The standards must:**

19 (a) **Ensure that each instructional assistant has the content**
20 **knowledge and skills to serve a student who is a child with a disability**
21 **to the extent that the instructional assistant serves a student who is**
22 **a child with a disability.**

23 (b) **Specify the knowledge, skills and training that an instructional**
24 **assistant must have before:**

25 (A) **Working with any student; and**

26 (B) **Working in any assignment for more than 30 days.**

27 (3) **The standards established under subsection (2) of this section**
28 **shall include additional requirements for instructional assistants who**
29 **are assigned to provide direct support to a student who is a child with**
30 **a disability. The additional requirements shall:**

31 (a) **Specify the knowledge, skills and training that an instructional**

1 **assistant must have before providing direct support to:**

2 **(A) Any student who is a child with a disability; and**

3 **(B) Any student who has behavioral support needs or complex**
4 **medical needs.**

5 **(b) Require school districts to prioritize assigning the most experi-**
6 **enced instructional assistants to the highest needs students who are**
7 **a child with a disability;**

8 **(c) Take into consideration education, experience or any combina-**
9 **tion thereof that satisfies the purposes described in subsection (2) of**
10 **this section; and**

11 **(d) Consider a broad range of relevant backgrounds, including**
12 **medical training and experience and in-home care training and expe-**
13 **rience.**

14 **(4) When adopting the rules required by subsection (2) of this sec-**
15 **tion, the board must appoint an advisory committee in accordance**
16 **with ORS 183.333 that includes:**

17 **(a) Two members who are a parent of a student who is a child with**
18 **a disability;**

19 **(b) One member who is an attorney who specializes in special edu-**
20 **cation law;**

21 **(c) Two members who are instructional assistants, at least one of**
22 **whom provides direct support to a student who is a child with a disa-**
23 **bility;**

24 **(d) Two members who hold a teaching license with an endorsement**
25 **in some aspect of special education;**

26 **(e) One member who is a director of special education for an urban**
27 **school district;**

28 **(f) One member who is a director of special education for a rural**
29 **school district; and**

30 **(g) One member who is a representative of an organization that**
31 **provides support to families with a child with a disability.**

1 **(5) School districts must report to the Department of Education any**
2 **information identified by the department as necessary to ensure com-**
3 **pliance with the requirements of state and federal law related to the**
4 **qualifications of instructional assistants serving students who are a**
5 **child with a disability, including the department’s duty to exercise**
6 **general supervision of special education as required by federal law. A**
7 **school district that does not comply with the standards established by**
8 **this section is considered nonstandard under ORS 327.103.**

9 **SECTION 4. (1) The State Board of Education shall establish stan-**
10 **dards for instructional assistants, as described in section 3 of this 2025**
11 **Act, no later than July 1, 2026.**

12 **(2) A school district must ensure compliance with the standards for**
13 **instructional assistants, as established by the State Board of Educa-**
14 **tion under section 3 of this 2025 Act, no later than July 1, 2028.**

15 **SECTION 5. ORS 332.505 is amended to read:**

16 332.505. (1) A district school board may:

17 (a) Employ a superintendent of schools and necessary assistant super-
18 intendants for the district and fix the terms and conditions of employment
19 and the compensation. The district school board shall not contract with a
20 superintendent for more than a period of three years at a time. The contract
21 shall automatically expire at the end of its term. Nothing in this paragraph
22 prevents a district school board from:

23 (A) Electing to issue a subsequent contract for an additional three years
24 at any time.

25 (B) Including in the contract provisions that provide for the termination
26 of employment of the superintendent prior to the expiration of the contract.
27 If the superintendent and the district school board mutually agree to include
28 a termination-without-cause provision in the contract, the district school
29 board may terminate the superintendent’s employment, without cause, at any
30 time during the contract period only if the district school board provides the
31 superintendent with at least 12 months’ notice of the termination. Nothing

1 in this subparagraph authorizes the district school board to make a wrongful
2 termination or a termination for any reason described in subsection (3)(a)
3 of this section.

4 (b) Employ personnel, including teachers and administrators, necessary
5 to carry out the duties and powers of the board and fix the duties, terms and
6 conditions of employment and the compensation.

7 (c) Compensate district employees in any form which may include, but
8 shall not be limited to, insurance, tuition reimbursement and salaries.

9 (d) Employ instructional assistants and intern teachers subject to the
10 rules of the State Board of Education. As used in this paragraph:

11 [(A) *“Instructional assistant” has the meaning given that term in ORS*
12 *342.120.*]

13 **(A) “Instructional assistant” means an employee of a school dis-**
14 **trict:**

15 **(i) For whom a teaching or an administrative license is not required**
16 **as a basis for employment in the school district; and**

17 **(ii) Whose assignment consists of and is limited to assisting a li-**
18 **censed teacher in accordance with rules established by the Teacher**
19 **Standards and Practices Commission.**

20 (B) “Intern teacher” means a regularly enrolled candidate of an approved
21 educator preparation provider, as defined in ORS 342.120, who teaches under
22 the supervision of the staff of the provider and of the employing district in
23 order to acquire practical experience in teaching and for which the candidate
24 receives both academic credit from the provider and financial compensation
25 from the school district or education service district.

26 (2)(a) A district school board shall designate one or more civil rights co-
27 ordinators for the school district. A civil rights coordinator may be an em-
28 ployee of the school district or the school district may enter into a contract
29 with an education service district for the services of a civil rights coordi-
30 nator. A civil rights coordinator, at a minimum, shall:

31 (A) Monitor, coordinate and oversee school district compliance with state

1 and federal laws prohibiting discrimination in public education;

2 (B) Oversee investigations of complaints alleging discrimination in public
3 education and ensure that the investigations are resolved;

4 (C) Provide guidance to school and school district personnel on civil
5 rights issues in the school district, respond to questions and concerns about
6 civil rights in the school district and coordinate efforts to prevent civil
7 rights violations from occurring in the school district;

8 (D) Satisfy any training requirements prescribed by the State Board of
9 Education by rule; and

10 (E) Comply with any rules adopted by the State Board of Education for
11 the purpose of implementing this paragraph.

12 (b) As used in this subsection, “discrimination” has the meaning given
13 that term in ORS 659.850 when used in relation to state law.

14 (c) For the purpose of this subsection, the Department of Education shall
15 annually make available training for civil rights coordinators and the State
16 Board of Education may adopt any necessary rules.

17 (3)(a) A district school board may not:

18 (A) Direct a superintendent to take any action that conflicts with a local,
19 state or federal law that applies to school districts;

20 (B) Take an adverse employment action against a superintendent for
21 complying with a local, state or federal law that applies to school districts;
22 or

23 (C) Employ a superintendent pursuant to a contract that purports to
24 waive, or conflicts with, any provision or requirement of subparagraph (A)
25 or (B) of this paragraph.

26 (b) As used in this subsection:

27 (A) “Local, state or federal law” means a local, state or federal directive
28 having the force of law, including an ordinance, a city or county resolution,
29 a statute, a court decision, an administrative rule or regulation, an order
30 issued in compliance with ORS chapter 183, an executive order or any other
31 directive, declaration or statement that is issued in compliance with the law

1 as having the force of law and that is issued by a local government as de-
2 fined in ORS 174.116, the state government as defined in ORS 174.111 or the
3 federal government.

4 (B) “Superintendent” includes an interim superintendent.

5 (4) The district school board shall maintain written personnel policies and
6 make the policies available for inspection by any school employee or member
7 of the public.

8 (5) The superintendent of the school district shall cause each employee
9 to be specifically informed of the existence and availability of the personnel
10 policies.

11 **SECTION 6.** ORS 342.120 is amended to read:

12 342.120. As used in this chapter, unless the context requires otherwise:

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

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

20 (3) “Approved educator preparation program” means a licensure program
21 that:

22 (a) Prepares persons to become educators in any grade from preprimary
23 through grade 12;

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

25 (c) Meets the standards of the Teacher Standards and Practices Commis-
26 sion, as provided by ORS 342.147.

27 (4) “Approved educator preparation provider” means a sponsor or provider
28 of an educator preparation program that meets the standards of the Teacher
29 Standards and Practices Commission, as provided by ORS 342.147.

30 (5) “Commission licensee” means a person whom the Teacher Standards
31 and Practices Commission has the authority to investigate or discipline be-

1 cause the person:

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

3 (b) Is an applicant for a Teacher Standards and Practices Commission li-
4 cense or registration;

5 (c) Holds a license or registration issued by the Teacher Standards and
6 Practices Commission; or

7 (d) Has held a license or registration issued by the Teacher Standards and
8 Practices Commission at any time during the previous five years.

9 (6) "Instruction" includes preparation of curriculum, assessment and di-
10 rection of learning in class, in small groups, in individual situations, online,
11 in the library and in guidance and counseling, but does not include the
12 provision of related services, as defined in ORS 343.035, to a child identified
13 as a child with a disability pursuant to ORS 343.146 to 343.183 when provided
14 in accordance with ORS 343.221.

15 [(7) "*Instructional assistant*" means a classified school employee who does
16 not require a license to teach, who is employed by a school district or education
17 service district and whose assignment consists of and is limited to assisting
18 a licensed teacher in accordance with rules established by the Teacher Stan-
19 dards and Practices Commission.]

20 [(8)] (7) "Teacher" includes all licensed employees in the public schools
21 or employed by an education service district who have direct responsibility
22 for instruction or coordination of educational programs and who are com-
23 pensated for their services from public funds. "Teacher" does not include a
24 school nurse as defined in ORS 342.455 or an instructional assistant **as de-**
25 **defined in ORS 332.505.**

26 [(9)] (8) "Teaching license" means a license issued under ORS 342.125 or
27 342.144.

28 [(10)] (9) "Underrepresented person" means:

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

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

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

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

5 **SECTION 7.** ORS 327.298 is amended to read:

6 327.298. (1) The Department of Education shall make grants to improve
7 student achievement in schools that:

8 (a) Are considered high poverty under Title I of the federal Elementary
9 and Secondary Education Act of 1965;

10 (b) The department had not identified prior to January 1, 2014, as focus
11 or priority schools pursuant to a flexibility waiver submitted to the United
12 States Department of Education; and

13 (c) The Department of Education has identified as needing additional
14 supports and interventions pursuant to a flexibility waiver submitted to the
15 United States Department of Education, based on:

16 (A) Criteria used by the Department of Education to measure the per-
17 formance of the schools; and

18 (B) The schools' performance ranking compared to similar schools.

19 (2) The department shall identify schools to receive grants as provided in
20 this section and shall notify the identified schools of the schools' eligibility
21 to receive grants as provided in this section.

22 (3) Moneys received by a school under this section must be used to pro-
23 vide instructional time during a summer program. The summer program must
24 provide at least 60 hours of direct academic instruction by a teacher licensed
25 under ORS 342.125 or by an instructional assistant, as defined in ORS
26 [342.120] **332.505**.

27 (4) The State Board of Education may adopt any rules necessary for the
28 administration of this section.

29 **SECTION 8.** ORS 327.341 is amended to read:

30 327.341. (1) In addition to those moneys distributed through the State
31 School Fund, the Department of Education shall make grants to improve

1 student achievement in schools that:

2 (a) Are considered high poverty under Title I of the federal Elementary
3 and Secondary Education Act of 1965;

4 (b) The department has identified as having a significant achievement gap
5 between historically underserved students groups and other student groups
6 pursuant to standards adopted by the State Board of Education; and

7 (c) The department has identified as needing additional supports and
8 interventions based on:

9 (A) Criteria used by the Department of Education to measure the per-
10 formance of the schools; and

11 (B) The schools' performance ranking compared to similar schools.

12 (2) The department shall identify schools to receive grants as provided in
13 this section and shall notify the identified schools of the schools' eligibility
14 to receive grants as provided in this section.

15 (3) Moneys received by a school under this section must be used to pro-
16 vide instructional time during a summer program. The summer program must
17 provide at least 60 hours of direct academic instruction by a teacher licensed
18 under ORS 342.125 or by an instructional assistant, as defined in ORS
19 [342.120] **332.505**.

20 (4) The State Board of Education may adopt any rules necessary for the
21 administration of this section.

22 **SECTION 9.** ORS 342.208 is amended to read:

23 342.208. (1) The State Board of Education shall develop model career
24 pathways for instructional assistants, as defined in ORS [342.120] **332.505**, to
25 become licensed teachers. The model career pathways must take into con-
26 sideration the skills and experience attained by an instructional assistant.

27 (2) The model career pathways must identify:

28 (a) The minimum requirements for an instructional assistant to partic-
29 ipate in a career pathway, including the requirement that the instructional
30 assistant have attained at least an associate degree and be currently em-
31 ployed by a school district or an education service district.

1 (b) Guidelines for school districts, education service districts and insti-
2 tutions of higher education to collaborate to assist an instructional assistant
3 who is participating in a career pathway.

4 **SECTION 10.** ORS 343.055 is amended to read:

5 343.055. (1) The Superintendent of Public Instruction shall administer all
6 programs established under this chapter. The State Board of Education,
7 consistent with the provisions of ORS **332.505 and** 342.120 to 342.430, shall
8 adopt rules relating to qualifications of teachers, **instructional assistants,**
9 supervisors, work experience coordinators, coordinators of volunteer services
10 and trainers of volunteer personnel, courses of study, admission, eligibility
11 of children, size of special facilities, rooms and equipment, supervision, ter-
12 ritory to be served, and such other rules as the board considers necessary
13 to administer this chapter.

14 (2) Out of such funds as may otherwise be appropriated for the purposes
15 enumerated in this section, the State Board of Education may:

16 (a) Purchase and prepare equipment and supplies to be loaned to school
17 districts and county or regional special education facilities which provide
18 approved programs for children with disabilities in the public schools.

19 (b) Contract with and pay an educational institution, either within or
20 without the state, for the purpose of providing educational services for chil-
21 dren who are both deaf and blind.

22 (c) Purchase and prepare equipment and supplies to be loaned to early
23 childhood special education and early intervention contractors that provide
24 approved programs for preschool children with disabilities.

25 **SECTION 11.** ORS 657.010, as amended by section 28, chapter 75, Oregon
26 Laws 2024, is amended to read:

27 657.010. As used in this chapter, unless the context requires otherwise:

28 (1) “Base year” means the first four of the last five completed calendar
29 quarters preceding the benefit year.

30 (2) “Benefits” means the money allowances payable to unemployed per-
31 sons under this chapter.

1 (3) "Benefit year" means a period of 52 consecutive weeks commencing
2 with the first week with respect to which an individual files an initial valid
3 claim for benefits, and thereafter the 52 consecutive weeks period beginning
4 with the first week with respect to which the individual next files an initial
5 valid claim after the termination of the individual's last preceding benefit
6 year except that the benefit year shall be 53 weeks if the filing of an initial
7 valid claim would result in overlapping any quarter of the base year of a
8 previously filed initial valid claim.

9 (4) "Calendar quarter" means the period of three consecutive calendar
10 months ending on March 31, June 30, September 30 or December 31, or the
11 approximate equivalent thereof, as the Director of the Employment Depart-
12 ment may, by rule, prescribe.

13 (5) "Contribution" or "contributions" means the taxes that are the money
14 payments required by this chapter, or voluntary payments permitted, to be
15 made to the Unemployment Compensation Trust Fund.

16 (6) "Educational institution," including an institution of higher educa-
17 tion, means an institution:

18 (a) In which participants, trainees or students are offered an organized
19 course of study or training designed to transfer to them knowledge, skills,
20 information, doctrines, attitudes or abilities from, by or under the guidance
21 of an instructor or teacher;

22 (b) That is accredited, registered, approved, licensed or issued a permit
23 to operate as a school by the Department of Education or other government
24 agency, or that offers courses for credit that are transferable to an approved,
25 registered or accredited school;

26 (c) In which the course or courses of study or training that it offers may
27 be academic, technical, trade or preparation for gainful employment in a re-
28 cognized occupation; and

29 (d) In which the course or courses of study or training are offered on a
30 regular and continuing basis.

31 (7) "Employment office" means a free public employment office or branch

1 thereof, operated by this state or maintained as a part of a state-controlled
2 system of public employment offices.

3 (8) “Hospital” has the meaning given that term in ORS 442.015.

4 (9) “Institution of higher education” means an educational institution
5 that:

6 (a) Admits as regular students only individuals having a certificate of
7 graduation from a high school, or the recognized equivalent of such a cer-
8 tificate;

9 (b) Is legally authorized in this state to provide a program of education
10 beyond high school;

11 (c) Provides an educational program for which it awards a bachelor’s or
12 higher degree, or provides a program that is acceptable for full credit toward
13 such a degree, a program of post-graduate or post-doctoral studies, or a pro-
14 gram of training to prepare students for gainful employment in a recognized
15 occupation; and

16 (d) Is a public or other nonprofit institution.

17 (10) “Instructional capacity” does not include services performed as an
18 instructional assistant as defined in ORS [342.120] **332.505**.

19 (11) “Internal Revenue Code” means the federal Internal Revenue Code,
20 as amended and in effect on December 31, 2023.

21 (12) “Nonprofit employing unit” means an organization, or group of or-
22 ganizations, described in section 501(c)(3) of the Internal Revenue Code that
23 is exempt from income tax under section 501(a) of the Internal Revenue Code.

24 (13) “State” includes, in addition to the states of the United States of
25 America, the District of Columbia and Puerto Rico. However, for all pur-
26 poses of this chapter the Virgin Islands shall be considered a state on and
27 after the day on which the United States Secretary of Labor first approves
28 the Virgin Islands’ law under section 3304(a) of the Federal Unemployment
29 Tax Act as amended by Public Law 94-566.

30 (14) “Taxes” means the money payments to the Unemployment Compen-
31 sation Trust Fund required, or voluntary payments permitted, by this chap-

1 ter.

2 (15) "Valid claim" means any claim for benefits made in accordance with
3 ORS 657.260 if the individual meets the wages-paid-for-employment require-
4 ments of ORS 657.150.

5 (16) "Week" means any period of seven consecutive calendar days ending
6 at midnight, as the director may prescribe by rule.

7
