

# Enrolled Senate Bill 283

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Education for Senator Michael Dembrow)

CHAPTER .....

AN ACT

Relating to the education workforce; creating new provisions; amending ORS 329.788, 329.795, 329.800, 329.805, 329.810, 329.815, 329.820, 329A.030, 332.505, 332.544, 334.225, 342.125, 342.127, 342.610 and 342.940; and declaring an emergency.

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

## WORKFORCE DATA

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

(a) "Education workforce" means licensed and classified staff who are:

- (A) Employed by a public education provider; or
- (B) Under contract to provide services to a public education provider.

(b) "Public education provider" means:

- (A) A school district;
- (B) A public charter school;
- (C) An education service district;
- (D) A long term care or treatment facility, as described in ORS 343.961;
- (E) The Youth Corrections Education Program;
- (F) The Juvenile Detention Education Program; or
- (G) The Oregon School for the Deaf.

(2) For the purpose of supporting the education workforce in this state:

(a) The Department of Education shall develop and implement a plan to establish and maintain a statewide data system on the education workforce in this state.

(b) The Teacher Standards and Practices Commission shall develop and implement a plan to establish and maintain the statewide portal for jobs in education, as described in section 5 (1)(b), chapter 116, Oregon Laws 2022, and shall consider whether to make available exit surveys as part of the portal.

(3)(a) The Department of Education shall convene a steering committee to assist the department in developing a business case for the statewide data system described in subsection (2)(a) of this section.

(b) The steering committee convened under this subsection shall consist of:

- (A) One representative from each educator preparation program in this state;

- (B) One representative from the department;**
- (C) One representative from the Teacher Standards and Practices Commission;**
- (D) One representative from the Educator Advancement Council;**
- (E) One representative from the Higher Education Coordinating Commission;**
- (F) One representative from a statewide organization that primarily represents licensed staff of the education workforce;**
- (G) One representative from a statewide organization that primarily represents classified staff of the education workforce;**
- (H) One representative from a statewide organization that represents school administrators;**
- (I) One representative from a statewide organization that represents school boards; and**
- (J) One representative who is an expert on the statewide longitudinal data system.**

**(c) The statewide data system developed as provided by this subsection must allow the department to assign unique identifiers to each individual who is a member of the education workforce. The identifier may not use any personally identifiable information, except for alignment purposes in data processing. Any personally identifiable information that is collected must be linked in a secure data location so that data sets can be matched based on the personally identifiable information when the identifier is included.**

**(d) The statewide data system developed as provided by this subsection must allow the following uses:**

- (A) Identifying school district hiring needs by content area and geographic location;**
- (B) Providing information, by content area, about graduates of educator preparation programs and persons who complete nontraditional pathways to licensure;**
- (C) Identifying educator mobility, attrition and retention patterns;**
- (D) Determining educator longevity and possible factors that affect longevity;**
- (E) Evaluating school climate and culture from the educator’s perspective based on the surveys administered as provided by section 4 of this 2023 Act;**
- (F) Evaluating pay in relation to local economic data from the most recent American Community Survey from the United States Census Bureau; and**
- (G) Studying education workforce trends and needs in this state in a manner that:**
  - (i) Includes a review of:**
    - (I) The satisfaction of persons who complete educator preparation programs in this state;**
    - (II) Employer satisfaction with the availability and skills of the education workforce in this state; and**
    - (III) Hiring and retention trends of the education workforce in this state; and**
  - (ii) Is sortable by school district, geographic location, school, grade level, teacher characteristics and educator preparation program of this state.**

**(e) To the greatest extent practicable, the department and steering committee shall:**

- (A) Ensure that the collection of data under the statewide data system aligns with the collection of data under ORS 342.443; and**
- (B) Reduces redundancies by incorporating any other relevant data processes or procedures.**

**(f) The steering committee shall assist the department in ensuring that the information described in paragraph (d) of this subsection is available to the public through a visually appealing interactive data visualization tool that is accessible on the department’s website home page.**

**(g) The Department of Education shall consult with each public education provider, the Teacher Standards and Practices Commission, the Educator Advancement Council, the Higher Education Coordinating Commission and the public universities listed in ORS 352.002 to ensure that each entity is prepared to collect information as required for the statewide data system.**

(h) The department shall consider whether to enter into a contract or a partnership with any public or private entity, including the federal government, for the purpose of the state-wide data system.

(4) The Department of Education and the Teacher Standards and Practices Commission shall submit a report on the actions required to be taken under subsection (2) of this section in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to education no later than September 15, 2024.

**SECTION 2.** Section 1 of this 2023 Act is repealed on January 2, 2025.

**SECTION 3.** Notwithstanding any other provision of law, the General Fund appropriation made to the Teacher Standards and Practices Commission by section 1, chapter \_\_\_\_, Oregon Laws 2023 (Enrolled Senate Bill 5537), for the biennium beginning July 1, 2023, is increased by \$205,000 for the establishment of the statewide portal for jobs in education, as required under section 1 (2)(b) of this 2023 Act.

### EDUCATOR WORKFORCE SURVEYS

**SECTION 4.** (1) As used in this section:

(a) “Education workforce” means licensed and classified staff who are:

(A) Employed by a public education provider; or

(B) Under contract to provide services to a public education provider.

(b) “Public education provider” means:

(A) A school district;

(B) A public charter school;

(C) An education service district;

(D) A long term care or treatment facility, as described in ORS 343.961;

(E) The Youth Corrections Education Program;

(F) The Juvenile Detention Education Program; or

(G) The Oregon School for the Deaf.

(2) Each public education provider shall:

(a) Encourage members of the education workforce of the public education provider to participate in a survey administered by the Department of Education that is designed to assist in the gathering of information about the working experiences of the education workforce of this state, including the experience in the school district and in individual schools; and

(b) Ensure that members of the education workforce of the public education provider have the opportunity to participate in the survey described in paragraph (a) of this subsection.

(3) The State Board of Education, in collaboration with the Educator Advancement Council, shall adopt by rule the standards for the survey administered under this section.

(4) The department shall annually review the survey identified in subsection (2) of this section and:

(a) Make the information available to school district boards, administrators of school districts and administrators of schools in a manner that allows for the accessibility of the information:

(A) On a district level and a school level; and

(B) Through the interactive data visualization tool; and

(b) Report annually on education workforce satisfaction to the interim committees of the Legislative Assembly related to education.

(5) The department may enter into a contract or a partnership with any public or private entity, including the federal government, for the purpose of this section.

## SPECIAL EDUCATION EDUCATORS AND EMPLOYEES

### **SECTION 5. (1) As used in this section:**

(a) "Classified school employee" includes all employees of a school district except those for whom a teaching or administrative license is required as a basis for employment in a school district.

(b) "Individualized education program" has the meaning given that term in ORS 343.035.

(c) "Licensed educator" means a teacher, administrator or other school professional who is licensed, registered or certified by the Teacher Standards and Practices Commission.

(d) "Salary" has the meaning given that term in ORS 653.010.

(e) "School district" means:

(A) A common school district or a union high school district.

(B) An education service district.

(2) For each licensed educator or classified school employee who provides significant special education support, as determined under subsection (3) of this section, a school district may pay one or more of the following:

(a) An additional percentage of the educator's or employee's salary or hourly wage.

(b) Notwithstanding ORS 652.220, a one-time payment in addition to the educator's or employee's salary or hourly wage.

(3) For purposes of this section, a licensed educator or a classified school employee provides significant special education support if 75 percent or more of the educator's or employee's student caseload consists of students who have an individualized education program.

(4) A salary or wage increase specified in subsection (2) of this section is exclusive of health benefits and other benefits the school district provides to licensed educators or classified school employees or that are otherwise required under the laws of this state.

### **SECTION 6. (1) As used in this section:**

(a) "Classified school employee" includes all employees of a school district except those for whom a teaching or administrative license is required as a basis for employment in a school district.

(b) "Individualized education program" has the meaning given that term in ORS 343.035.

(c) "School district" means:

(A) A common school district or a union high school district.

(B) An education service district.

(2) Except as provided in subsection (3) of this section, a school district that employs classified school employees who provide significant special education support, as determined under subsection (4) of this section, may not establish, for any purpose, a policy that requires the work day hours of a classified school employee to be fewer than five hours per work day on regular school days when schools are normally in operation and students are present.

(3)(a) A school district may reduce the work day hours of a classified school employee to fewer than five hours per work day if the reduction in hours is at the written request of the employee.

(b) A school district may not coerce or require, as a condition of employment or continuation of employment, a classified school employee to make a request for a reduction in work day hours.

(4) For the purpose of this section, a classified school employee provides significant special education support if 75 percent or more of the employee's student caseload consists of students who have an individualized education program.

### **SECTION 7. Section 6 of this 2023 Act becomes operative on July 1, 2024.**

## CRISIS RESPONSE IN SCHOOL DISTRICTS

**SECTION 8.** (1) As used in this section, “certified instructor” means an individual who is certified as an instructor by the Crisis Prevention Institute’s Nonviolent Crisis Intervention program or by another program administered by a nationally recognized organization that provides training to certify individuals in nonviolent crisis intervention methods.

(2) The Department of Education shall establish and maintain the Safe School Culture Grant program. The purpose of the program is to develop a network of instructors who are certified in nonviolent crisis intervention methods to ensure that, for every 50 students in a school district or an education service district, at least one staff person of the school district or education service district is certified in nonviolent crisis intervention methods.

(3) The department shall distribute funds under the program to school districts and education service districts in the manner prescribed by the State Board of Education by rule. At a minimum, the rules shall:

(a) Establish the manner by which reimbursement is provided to school districts and education service districts for wages or stipends paid to staff for the time spent by the staff to attend training to become certified instructors;

(b) Ensure school districts and education service districts are reimbursed only for the costs related to individuals who complete the certification process as newly certified instructors; and

(c) Notwithstanding paragraph (b) of this subsection, permit any unexpended moneys from grants to be used to support the costs of training staff in nonviolent crisis intervention methods by providing stipends and reimbursement for the cost of materials.

(4) To qualify for a grant under the program, a school district must:

(a) Require each newly certified instructor to conduct at least three complete trainings of at least 10 staff persons each year.

(b) Provide or arrange for the provision of the necessary physical space for the training.

(c) Consult with organizations representing teachers and instructional assistants to determine the priority for which staff to train to ensure training is targeted to the areas in most need of support for increasing the safety of students and staff.

(d) Consult with organizations representing teachers and instructional assistants about compensation in wages, stipends or other means to support staff to participate in training to become certified instructors or to participate in training conducted by certified instructors to become certified in nonviolent crisis intervention methods.

(5) To qualify for a grant under the program, an education service district must:

(a) Ensure at least one complete nonviolent crisis intervention training of at least 10 staff persons is completed each month at the verbal intervention level or the physical intervention level, except that trainings for July and December may be offered in alternative months.

(b) Provide or arrange for the provision of the necessary physical space for the training.

(c) Not charge a fee to a school district or a staff member for the first 10 staff persons trained by certified instructors each year.

(d) Offer training in advanced physical skills only to individuals working in settings in which serious injuries have occurred or are at imminent risk of occurring.

(6) Notwithstanding subsection (4)(a) or (5)(a) of this subsection:

(a) For a school district with fewer than 30 employees, require each newly certified instructor to conduct as many complete trainings as possible each year.

(b) For an education service district with fewer than 30 employees, ensure as many nonviolent crisis intervention trainings as possible are completed each year.

(7) The department shall biennially distribute funds to school districts participating in the program as follows:

(a) The department shall provide to a school district with 1,500 or fewer students a grant in an amount to reimburse the school district for the cost of one new certified instructor. If the school district pays for the cost of a second new certified instructor, the department

shall provide the school district with an amount to reimburse the school district for the cost of a third new certified instructor.

(b) The department shall provide to a school district with between 1,501 and 5,000 students a grant in an amount to reimburse the school district for the cost of two new certified instructors. If the school district pays for the cost of a third new certified instructor, the department shall provide the school district with an amount to reimburse the school district for the cost of a fourth new certified instructor.

(c) The department shall provide to a school district with between 5,001 and 8,000 students a grant in an amount to reimburse the school district for the cost of two new certified instructors. If the school district pays for the cost of additional new certified instructors, the department shall provide the school district with an amount to reimburse the school district for the cost of the additional new certified instructors, up to a total of four new certified instructors.

(d) The department shall provide to a school district with between 8,001 and 15,000 students a grant in an amount to reimburse the school district for the cost of four new certified instructors. If the school district pays for the cost of additional new certified instructors, the department shall provide the school district with an amount to reimburse the school district for the cost of the additional new certified instructors, up to a total of eight new certified instructors.

(e) The department shall provide to a school district with between 15,001 and 30,000 students a grant in an amount to reimburse the school district for the cost of six new certified instructors. If the school district pays for the cost of additional new certified instructors, the department shall provide the school district with an amount to reimburse the school district for the cost of the additional new certified instructors, up to a total of 14 new certified instructors.

(f) The department shall provide to a school district with more than 30,000 students a grant in an amount to reimburse the school district for the cost of six new certified instructors. If the school district pays for the cost of additional new certified instructors, the department shall provide the school district with an amount to reimburse the school district for the cost of the additional new certified instructors, up to a total of 16 new certified instructors.

(8) The department shall biennially distribute funds through the program to education service districts for two new certified instructors in advanced physical skills and one new certified instructor in verbal and physical intervention skills. The grant must match the cost of the additional new certified instructors, up to a maximum of four new certified instructors in advanced physical skills and two new certified instructors in verbal and physical intervention skills.

(9) The department may use up to three percent of the grant funds to cover the department's costs in administering the program under this section.

(10) Notwithstanding subsections (3), (7) and (8) of this section, the department shall distribute funds to school districts and education service districts subject to the availability of funding for the program.

**SECTION 9.** (1) As used in this section, "certified instructor" has the meaning given that term in section 8 of this 2023 Act.

(2) A school district or an education service district that participates in the Safe School Culture Grant program established in section 8 of this 2023 Act shall submit the following reports to the Department of Education on or before the specified dates:

(a) By December 1, 2023, and again by July 1, 2024, a report that includes:

(A) The total number of new certified instructors that were certified between July 1, 2023, and the date of the report, including the dates on which the certified instructors received their certifications.

(B) A description of how the certified instructors are distributed across the school district or education service district.

(C) An accounting of how many of the new certified instructors were funded by the school district and how many were funded by the grant provided by the Safe School Culture Grant program.

(D) The number of trainings held by each of the new certified instructors.

(E) The number of staff who were certified in nonviolent crisis intervention methods by completing a training by one of the new certified instructors.

(b) By December 1, 2024, and again by July 1, 2025, each school district and education service district participating in the grant program shall report to the department:

(A) The total number of staff who were certified in nonviolent crisis intervention methods by completing a training with one of the new certified instructors.

(B) The total number of staff who were certified in nonviolent crisis intervention methods by completing a training in verbal skills only.

(C) The total number of staff who were certified in nonviolent crisis intervention methods by completing a training in verbal and physical intervention skills.

(D) The total number of staff who were certified in nonviolent crisis intervention methods by completing a training in advanced physical skills.

(E) The total number of trainings held by each of the newly certified instructors between July 1, 2023, and the date of the trainings.

(F) A description of how the staff who were certified in nonviolent crisis intervention methods by completing a training are distributed across the school district or education service district, including the ratio of trained staff to students in the school district or education service district.

(G) A description of the school district's or education service district's assessment of how many additional certified instructors, if any, are needed to certify staff in nonviolent crisis intervention methods.

**SECTION 10.** The Department of Education shall first provide grants through the Safe School Culture Grant program, established in section 8 of this 2023 Act, no later than July 1, 2024.

**SECTION 11.** Section 9 of this 2023 Act is repealed on January 2, 2026.

**SECTION 12.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 2 (2), chapter \_\_\_\_, Oregon Laws 2023 (Enrolled House Bill 5014), for the biennium beginning July 1, 2023, for other K-12 grant-in-aid programs, is increased by \$5,000,000 for the Safe School Culture Grant program established by section 8 of this 2023 Act.

**NOTE:** Sections 13 through 17 were deleted by amendment. Subsequent sections were not renumbered.

## WORKING CONDITIONS

**SECTION 18.** ORS 332.544 is amended to read:

332.544. (1) As used in this section, "classified school employee" includes all employees of a [public] school district except those for whom a teaching or administrative license is required as a basis for employment in a [public] school district.

[*(2) A classified school employee who has been demoted or dismissed shall be entitled to a hearing before the school board if a written request is filed with the board within 15 days of the dismissal or demotion.*]

**(2) A classified school employee shall have the right to be dismissed, demoted or disciplined only for just cause.**

(3) School district employees subject to the civil service provisions of ORS [chapter 242] **242.310 to 242.640** are exempt from the provisions of this section.

**SECTION 19.** Section 20 of this 2023 Act is added to and made a part of ORS chapter 334.

**SECTION 20.** (1) As used in this section, “classified school employee” includes all employees of an education service district except those for whom a teaching or administrative license is required as a basis for employment in an education service district.

(2) A classified school employee shall have the right to be dismissed, demoted or disciplined only for just cause.

#### **SUBSTITUTE TEACHERS**

**SECTION 21.** (1) The Task Force on Substitute Teachers is established.

(2) The task force consists of 12 members appointed as follows:

(a) The President of the Senate shall appoint two members from among members of the Senate.

(b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives.

(c) The Governor shall appoint eight members as follows:

(A) One member who is a representative of an association that primarily represents licensed educators;

(B) One member who is a representative of an organization that represents substitute teachers;

(C) One member who is a representative of a coalition that represents school administrators;

(D) One member who is a representative of an association that represents school boards;

(E) One member who is a representative of an organization that represents education service districts;

(F) One member who is a representative of a third-party employment service provider for substitute teachers;

(G) One member who is a representative of the Teacher Standards and Practices Commission; and

(H) One member who is a representative of the Department of Education.

(3) The task force shall:

(a) Review school district requests for proposal related to substitute teachers;

(b) Conduct a cost savings analysis of providing substitute teachers through third-party employment service providers;

(c) Examine policies in other states related to the use of third-party employment service providers for substitute teachers;

(d) Explore a model that provides the services of substitute teachers through education service districts;

(e) Explore processes that ensure substitute teachers are provided access to electronic mail and Internet service, as is necessary for their service as a substitute teacher;

(f) Establish a model policy for ensuring that substitute teachers are supervised by licensed administrators; and

(g) Develop recommendations for legislation related to standards for contracts for substitute teachers through third-party employment service providers.

(4) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

(5) Official action by the task force requires the approval of a majority of the voting members of the task force.

(6) The task force shall elect one of its members to serve as chairperson.

(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.



(8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The task force shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to an interim committee of the Legislative Assembly related to education no later than September 15, 2024.

(11) The Legislative Policy and Research Director shall provide staff support to the task force.

(12) Members of the Legislative Assembly appointed to the task force are nonvoting members of the task force and may act in an advisory capacity only.

(13) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

(14) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the duties of the task force and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the task force consider necessary to perform their duties.

**SECTION 22.** Section 21 of this 2023 Act is repealed on December 31, 2024.

**SECTION 23.** Notwithstanding any other provision of law, the General Fund appropriation made to the Legislative Policy and Research Committee by section 15, chapter \_\_\_\_\_, Oregon Laws 2023 (Enrolled Senate Bill 5516), for the biennium beginning July 1, 2023, is increased by \$300,000 for the task force established under section 21 of this 2023 Act.

**SECTION 24.** ORS 342.610 is amended to read:

342.610. (1)(a) *[Teachers employed as substitute teachers shall not]* **A teacher employed as a substitute teacher may not** be paid less per day than 85 percent of 1/190th of the **statewide average** salary of a beginning teacher who holds a bachelor's degree. *[The salary of the substitute teacher shall be computed as required in this subsection based on the statewide average salary for beginning teachers who hold bachelor's degrees.]*

(b) The Department of Education shall compute the statewide average salary of a **beginning teacher who holds a bachelor's degree** to be used for purposes of this subsection[,] **by:**

(A) Using the latest data available to the department[, *but not*]; **and**

(B) **Not using** data from earlier than the preceding school year.

(2) *[The]* **A school district shall set the working hours for a substitute teacher[,] and, when [employed,] a teacher is employed as a substitute teacher for the school district, the school district shall pay the substitute teacher a salary that is:**

(a) No less than one-half of the daily minimum salary computed under subsection (1) of this section. *[However, if the substitute teacher is employed for more than one-half day, the substitute teacher shall receive a full day's pay.]* **if the teacher is employed as a substitute teacher for less than one-half day; or**

(b) **No less than the daily minimum salary computed under subsection (1) of this section if the teacher is employed as a substitute teacher for one-half day or more.**

(3)(a) Notwithstanding subsection (1) of this section, *[teachers employed as substitute teachers]* **a teacher employed as a substitute teacher** for more than 10 consecutive days in any one assignment for the same teacher shall not be paid after the 10th day of the assignment less per day than:

(A) **For school districts with no salary scale,** 100 percent of 1/190th of the statewide average salary computed in subsection (1) of this section *[for districts with no salary scale; or,];* **or**

(B) For **school** districts with a salary scale, the higher of:

*[(A)]* (i) 1/190th of the employing school district's salary for a beginning teacher who holds a bachelor's degree; or

*[(B)]* (ii) The daily minimum salary computed under subsection (1) of this section.

(b) Used sick leave, whether paid or unpaid, and weekends, school holidays and days when schools are closed by weather or other conditions and when substitute teachers are not required to appear in person at the school *[shall]* **may** not be considered in determining consecutive days for purposes of this subsection.

(c) When substituting for a part-time teacher, the part of the day worked by the substitute **teacher** shall count as a full day in determining consecutive days for purposes of this subsection.

(4) Notwithstanding subsections (1) and (3) of this section, if a school district has a class schedule based on a four-day week:

(a) The daily minimum salary computed under subsection (1) or (3) of this section must be multiplied by 1.125; and

(b) Calculations described in subsection (3) of this section must be made after a teacher has been employed as a substitute teacher for more than eight consecutive days in any one assignment for the same teacher.

**(5)(a) A school district shall classify a substitute teaching assignment as a temporary position when the school district determines that a teacher will be employed as a substitute teacher for 60 or more consecutive days in any one assignment for the same teacher.**

**(b) The designation under paragraph (a) of this subsection must occur either:**

**(A) At the beginning of the substitute teaching assignment; or**

**(B) As soon as practicable, but no later than 10 consecutive days, after the school district determines that a substitute teaching assignment will be extended to 60 or more consecutive days.**

**(c) If a school district has a class schedule based on a four-day week, the school district shall:**

**(A) Classify a substitute teaching assignment as a temporary position when the school district determines that a teacher will be employed as a substitute teacher for 48 or more consecutive days in any one assignment for the same teacher; and**

**(B) Make the designation described in paragraph (b)(B) of this subsection when the school district determines that a teacher will be employed as a substitute teacher for 48 or more consecutive days in any one assignment for the same teacher.**

**(d) Nothing in this subsection prohibits a school district from making the classification required under paragraph (a) or (c) of this subsection after fewer consecutive days.**

**(6) A teacher employed by a school district as a substitute teacher shall be paid for any training that is required for that teacher to apply for or be assigned to a substitute teaching assignment.**

*[(5)]* **(7) This section does not apply to substitute teachers represented in a bargaining unit in the school district by which they are employed.**

**SECTION 25. The amendments to ORS 342.610 by section 24 of this 2023 Act first apply to the 2023-2024 school year.**

## **TASK FORCE ON EDUCATOR SALARIES**

**SECTION 26. (1) The Task Force on Statewide Educator Salary Schedules is established.**

**(2) The task force consists of 12 members appointed as follows:**

**(a) The President of the Senate shall appoint one member who is the chairperson of the Senate interim committee of the Legislative Assembly related to education.**

**(b) The Speaker of the House of Representatives shall appoint one member who is the chairperson of the House interim committee of the Legislative Assembly related to education.**

**(c) The President of the Senate and the Speaker of the House of Representatives shall jointly appoint the following 10 members:**

**(A) A member who is a representative of a coalition that represents school administrators;**

- (B) A member who is a representative of an association that represents school boards;
  - (C) A member who is a representative of an association that primarily represents licensed educators;
  - (D) A member who is a representative of an association that primarily represents classified educator staff;
  - (E) A member who is a superintendent of a school district;
  - (F) A member who is a licensed teacher of a school district;
  - (G) A member who is a classified school employee at a school district;
  - (H) A member who is a business manager or a human resources manager for a school district; and
  - (I) Two members who are parents of students in the public schools of this state.
- (3) The task force shall:
- (a) Study the benefits and challenges of implementing a statewide salary schedule for educators in this state.
  - (b) Propose a statewide salary schedule for educators, which must include regional differences. When developing the statewide salary schedule, the task force must:
    - (A) Consider whether the regional differences shall align with the regions specified in ORS 653.025 or make recommendations for other regional designations.
    - (B) Consider and make recommendations regarding pay for student teachers.
    - (C) Consider and make recommendations regarding pay for educators and classified school employees when 75 percent or more of the educator's or employee's student caseload consists of students who have an individualized education program.
  - (4) A majority of the members of the task force constitutes a quorum for the transaction of business.
  - (5) Official action by the task force requires the approval of a majority of the members of the task force.
  - (6) The members of the task force who are members of the Legislative Assembly shall serve as cochairpersons.
  - (7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.
  - (8) The task force shall meet at times and places specified by the call of the cochairpersons or of a majority of the voting members of the task force.
  - (9) The task force may adopt rules necessary for the operation of the task force.
  - (10) The task force shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to education no later than:
    - (a) December 31, 2023, to provide information on the study described in subsection (3)(a) of this section; and
    - (b) September 15, 2024, to propose the statewide salary schedule for educators described in subsection (3)(b) of this section.
  - (11) The Legislative Policy and Research Director shall provide staff support to the task force.
  - (12) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.
  - (13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the duties of the task force and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the task force consider necessary to perform their duties.

**SECTION 27.** Section 26 of this 2023 Act is repealed on December 31, 2024.

**SECTION 28.** Notwithstanding any other provision of law, the General Fund appropriation made to the Legislative Policy and Research Committee by section 15, chapter \_\_\_\_, Oregon

Laws 2023 (Enrolled Senate Bill 5516), for the biennium beginning July 1, 2023, is increased by \$495,000 for the task force established under section 26 of this 2023 Act.

### APPRENTICESHIP AND MENTORSHIP GRANTS

**SECTION 29.** Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 2 (2), chapter \_\_\_\_\_, Oregon Laws 2023 (Enrolled House Bill 5014), for the biennium beginning July 1, 2023, for other K-12 grant-in-aid programs, is increased by \$10,000,000 to award grants to promote registered apprenticeships for educators and to promote the beginning teacher and administrator mentorship program established as provided by ORS 329.795, with priority given to:

- (1) The development of educators who hold an endorsement related to special education.
- (2) The development of educators serving school districts in rural areas.
- (3) The development of educators who are diverse, as defined in ORS 342.433.
- (4) The development of educators who hold an emergency teaching license.
- (5) The continuation of existing mentorship relationships.

### TEACHER LICENSURE

**SECTION 30.** ORS 342.125 is amended to read:

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

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

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

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

(c) The person had not been employed as provided by this subsection during the previous 12 months with a pending application for the same license; and

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

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

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

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

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

~~[(5)(a)]~~ **(6)(a)** The Teacher Standards and Practices Commission shall establish a public charter school teacher and administrator registry. The commission shall require the applicant and the public charter school to jointly submit an application requesting registration as a public charter school teacher or administrator. The application shall include:

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

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

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

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

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

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

~~[(6)(a)]~~ **(7)(a)** The Teacher Standards and Practices Commission shall adopt an expedited process for the issuance of any license established pursuant to this section. The expedited process may require the following:

(A) The showing of an urgent situation; and

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

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

(ii) The public charter school governing body; or

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

(b) Except as provided by paragraph (c) of this subsection, the commission shall issue a license as provided by this subsection within two working days after receiving a completed application.

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

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

**SECTION 31.** ORS 342.127 is amended to read:

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

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

(b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed \$50 for each official paper license. If the educator is certified by a national professional organization

for teaching standards recognized by the commission, the commission shall renew the license without charge.

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

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

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

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

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

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

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

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

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

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

(A) A fee for each approved educator preparation provider, based on the number of license applications received by the commission from the provider; and

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

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

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

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

**SECTION 32.** ORS 342.127, as amended by section 4, chapter 647, Oregon Laws 2021, is amended to read:

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

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

(b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed \$50 for each official paper license. If the educator is certified by a national professional organization for teaching standards recognized by the commission, the commission shall renew the license without charge.

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

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

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

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

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

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

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

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

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

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

**SECTION 33. Notwithstanding any other provision of law, the General Fund appropriation made to the Teacher Standards and Practices Commission by section 1, chapter \_\_\_\_\_, Oregon Laws 2023 (Enrolled Senate Bill 5537), for the biennium beginning July 1, 2023, is increased by \$100,000 for the conversion of teaching licenses into substitute teaching licenses as described in ORS 342.125 (5).**

## EMPLOYMENT PROTECTIONS FOR SUPERINTENDENTS

**SECTION 34.** ORS 334.225 is amended to read:

334.225. (1) The education service district board shall employ a superintendent who must hold an administrative license as a superintendent. The superintendent shall serve as the board's executive officer, give an official bond or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, and have the duties prescribed by the board and the laws of this state.

(2) The board shall fix the term and compensation of the superintendent, provide office room for the superintendent and allow all of the superintendent's necessary traveling expenses. **A contract for employment of the superintendent may provide for the termination of employment of the**

**superintendent prior to the expiration of the contract. If the superintendent and the education service district board mutually agree to include a termination-without-cause provision in the contract, the education service district board may terminate the superintendent's employment, without cause, at any time during the contract period only if the education service district board provides the superintendent with at least 12 months' notice of the termination. Nothing in this subsection authorizes the education service district board to make a wrongful termination or a termination for any reason described in subsection (4) of this section.**

[2)] (3) The education service district board shall designate the superintendent as the district clerk. The board may appoint qualified persons as deputies to the superintendent to perform the duties required of the district clerk by law or by the board.

**(4)(a) An education service district board may not:**

**(A) Direct a superintendent to take any action that conflicts with a local, state or federal law that applies to education service districts;**

**(B) Take an adverse employment action against a superintendent for complying with a local, state or federal law that applies to education service districts; or**

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

**(b) As used in this subsection:**

**(A) "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.**

**(B) "Superintendent" includes an interim superintendent.**

**SECTION 35.** ORS 332.505, as amended by section 1, chapter 36, Oregon Laws 2022, is amended to read:

332.505. (1) As used in this section:

(a) "Instructional assistant" has the meaning given that term in ORS 342.120.

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

(2) A district school board may:

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

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

(B) Including in the contract provisions that provide for the termination of employment of the superintendent prior to the expiration of the contract. If the superintendent and the district school board mutually agree to include a termination-without-cause provision in the contract, the district school board may terminate the superintendent's employment, without cause, at any time during the contract period only if the district school board provides the superintendent with at least 12 months' notice of the termination. Nothing in this subparagraph authorizes the district school board to make a wrongful termination or a termination for any reason described in subsection (3)(a) of this section.

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



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

(d) Employ instructional assistants and intern teachers subject to the rules of the State Board of Education.

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

(A) Direct a superintendent to take any action that conflicts with a local, state or federal law that applies to school districts [*or education service districts*];

(B) Take an adverse employment action against a superintendent for complying with a local, state or federal law that applies to school districts [*or education service districts*]; or

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

(b) As used in this subsection:

(A) "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

(B) "Superintendent" includes an interim superintendent.

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

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

## **EARLY CHILDHOOD SPECIAL EDUCATION OR EARLY INTERVENTION SERVICES**

**SECTION 36.** ORS 329A.030, as amended by section 1, chapter 90, Oregon Laws 2022, is amended to read:

329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may maintain information in the registry through electronic records systems.

(2)(a) A subject individual shall apply to and must be enrolled in the Central Background Registry as part of the individual's application to operate a program or serve in a position described in subsection (10) of this section.

(b) An individual who has been the subject of a founded or substantiated report of child abuse shall apply to and must be enrolled in the Central Background Registry prior to providing any of the types of care identified in ORS 329A.250 (4)(b)(A), (G) or (H) if:

(A) The child abuse occurred on or after January 1, 2017, and involved a child who died or suffered serious physical injury, as defined in ORS 161.015; or

(B) The child abuse occurred on or after September 1, 2019, and involved any child for whom the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (F), (G), (H) or (I).

(c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B) of this subsection is not required to enroll in the Central Background Registry if more than seven years has elapsed since the date of the child abuse determination.

(3)(a) Upon receiving an application for enrollment in the Central Background Registry, the office shall complete:

(A) A criminal records check under ORS 181A.195;

(B) A criminal records check of other registries or databases in accordance with rules adopted by the Early Learning Council;

(C) A child abuse and neglect records check in accordance with rules adopted by the council; and

(D) A foster care certification check and an adult protective services check in accordance with rules adopted by the council.

(b) In addition to the information that the office is required to check under paragraph (a) of this subsection, the office may consider any other information obtained by the office that the office, by rule, determines is relevant to enrollment in the Central Background Registry.

(4)(a) The office shall enroll the individual in the Central Background Registry if the individual:

(A) Is determined to have no criminal, child abuse and neglect, negative adult protective services or negative foster home certification history, or to have dealt with the issues and provided adequate evidence of suitability for the registry;

(B) Has paid the applicable fee established pursuant to ORS 329A.275; and

(C) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

(b) Notwithstanding subsection (3) of this section and paragraph (a) of this subsection, the office may enroll an individual in the registry if the Department of Human Services has completed a background check on the individual and the individual has received approval from the department for purposes of providing child care.

(5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an individual in the Central Background Registry if:

(A) The individual has a disqualifying condition as defined in rules adopted by the council; or

(B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

(b) If an individual prohibited from enrolling in the registry as provided by this subsection is enrolled in the registry, the office shall remove the individual from the registry.

(6)(a) The office may conditionally enroll an individual in the Central Background Registry pending the results of a nationwide criminal records check through the Federal Bureau of Investigation if the individual has successfully completed the criminal records check and the child abuse and neglect records check in this state and in the state of the individual's residence, if other than Oregon.

(b) The office may enroll an individual in the registry subject to limitations identified in rules adopted by the council.

(7) An enrollment in the Central Background Registry may be renewed upon application to the office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted by the Early Learning Council pursuant to this section. However, an individual who is determined to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed or suspended from the registry by the office.

(8)(a) A child care facility, preschool recorded program or school-age recorded program may not hire or employ an individual if the individual is not enrolled in the Central Background Registry.

(b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded program or school-age recorded program may employ on a probationary basis an individual who is conditionally enrolled in the Central Background Registry.

(9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this section, including but not limited to rules regarding expiration and renewal periods and limitations related to the subject individual's enrollment in the Central Background Registry.

(10) As used in this section, "subject individual" means a subject individual as defined by the Early Learning Council by rule, an individual subject to subsection (2)(b) of this section or a person who applies to be:

(a) The operator or an employee of a child care or treatment program;

(b) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to 329.200;

(c) The operator or an employee of a federal Head Start program regulated by the United States Department of Health and Human Services;

(d) An individual in a child care facility, preschool recorded program or school-age recorded program who may have unsupervised contact with children as identified by the office;

(e) A contractor or an employee of the contractor who:

(A) Provides early childhood special education or early intervention services pursuant to ORS 343.455 to 343.534; and

**(B) Is not subject to the criminal records check requirements of ORS 326.603 or 342.223;**

(f) A child care provider who is required to be enrolled in the Central Background Registry by any state agency;

(g) A contractor, employee or volunteer of a metropolitan service district organized under ORS chapter 268 who may have unsupervised contact with children and who is required to be enrolled in the Central Background Registry by the metropolitan service district;

(h) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with a private agency or organization that facilitates the provision of such respite services;

(i) The operator or an employee of an early learning program as defined in rules adopted by the council; or

(j) The operator or an employee of a preschool recorded program or a school-age recorded program.

(11)(a) Information provided to a metropolitan service district organized under ORS chapter 268 about the enrollment status of the persons described in subsection (10)(g) of this section shall be subject to a reciprocal agreement with the metropolitan service district. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(b) Information provided to a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 about the enrollment status of the persons described in subsection (10)(h) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(c) Information provided to a private agency or organization about the enrollment status of the persons described in subsection (10)(i) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

**SECTION 37.** ORS 329A.030, as amended by section 26, chapter 27, Oregon Laws 2022, and section 1, chapter 90, Oregon Laws 2022, is amended to read:

329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may maintain information in the registry through electronic records systems.

(2)(a) A subject individual described in subsection (10)(a), (c) or (d) of this section shall apply to and must be enrolled in the Central Background Registry prior to the provision of care.

(b) An individual who has been the subject of a founded or substantiated report of child abuse shall apply to and must be enrolled in the Central Background Registry prior to providing any of the types of care identified in ORS 329A.250 (4)(b)(A), (G) or (H) if:

(A) The child abuse occurred on or after January 1, 2017, and involved a child who died or suffered serious physical injury, as defined in ORS 161.015; or

(B) The child abuse occurred on or after September 1, 2019, and involved any child for whom the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (F), (G), (H) or (I).

(c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B) of this subsection is not required to enroll in the Central Background Registry if more than seven years has elapsed since the date of the child abuse determination.

(3)(a) Upon receiving an application for enrollment in the Central Background Registry, the office shall complete:

(A) A criminal records check under ORS 181A.195;

(B) A criminal records check of other registries or databases in accordance with rules adopted by the Early Learning Council;

(C) A child abuse and neglect records check in accordance with rules adopted by the council; and

(D) A foster care certification check and an adult protective services check in accordance with rules adopted by the council.

(b) In addition to the information that the office is required to check under paragraph (a) of this subsection, the office may consider any other information obtained by the office that the office, by rule, determines is relevant to enrollment in the Central Background Registry.

(4) The office shall enroll the individual in the Central Background Registry if the individual:

(a) Is determined to have no criminal, child abuse and neglect, negative adult protective services or negative foster home certification history, or to have dealt with the issues and provided adequate evidence of suitability for the registry;

(b) Has paid the applicable fee established pursuant to ORS 329A.275; and

(c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

(5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an individual in the Central Background Registry if:

(A) The individual has a disqualifying condition as defined in rules adopted by the council; or

(B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

(b) If an individual prohibited from enrolling in the registry as provided by this subsection is enrolled in the registry, the office shall remove the individual from the registry.

(6)(a) The office may conditionally enroll an individual in the Central Background Registry pending the results of a nationwide criminal records check through the Federal Bureau of Investigation if the individual has successfully completed the criminal records check and the child abuse and neglect records check in this state and in the state of the individual's residence, if other than Oregon.

(b) The office may enroll an individual in the registry subject to limitations identified in rules adopted by the council.

(7) An enrollment in the Central Background Registry may be renewed upon application to the office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted by the Early Learning Council pursuant to this section. However, an individual who is determined to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed or suspended from the registry by the office.

(8)(a) A child care facility, preschool recorded program or school-age recorded program may not hire or employ an individual if the individual is not enrolled in the Central Background Registry.

(b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded program or school-age recorded program may employ on a probationary basis an individual who is conditionally enrolled in the Central Background Registry.

(9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this section, including but not limited to rules regarding expiration and renewal periods and limitations related to the subject individual's enrollment in the Central Background Registry.

(10) As used in this section, "subject individual" means:

(a) A subject individual as defined by the Early Learning Council by rule;

(b) An individual subject to subsection (2)(b) of this section;

(c) A person who applies to be:

(A) The operator or an employee of a child care or treatment program;

(B) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to 329.200;

(C) The operator or an employee of a federal Head Start program regulated by the United States Department of Health and Human Services;

(D) An individual in a child care facility, preschool recorded program or school-age recorded program who may have unsupervised contact with children, as determined by the council by rule;

(E) A contractor or an employee of the contractor who:

(i) Provides early childhood special education or early intervention services pursuant to ORS 343.455 to 343.534; **and**

(ii) **Is not subject to the criminal records check requirements of ORS 326.603 or 342.223;**

(F) A child care provider who is required to be enrolled in the Central Background Registry by any state agency;

(G) A contractor, employee or volunteer of a metropolitan service district organized under ORS chapter 268 who may have unsupervised contact with children and who is required to be enrolled in the Central Background Registry by the metropolitan service district;

(H) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with a private agency or organization that facilitates the provision of such respite services;

(I) The operator or an employee of an early learning program as defined in rules adopted by the council; or

(J) The operator or an employee of a preschool recorded program or a school-age recorded program; or

(d)(A) An individual who operates a subsidized care facility;

(B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

(C) An individual in a subsidized care facility who has attained 18 years of age and who may have unsupervised contact with children, as determined by the council by rule.

(11)(a) Information provided to a metropolitan service district organized under ORS chapter 268 about the enrollment status of the persons described in subsection (10)(c)(G) of this section shall be subject to a reciprocal agreement with the metropolitan service district. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(b) Information provided to a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056 about the enrollment status of the persons described in subsection (10)(c)(H) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

(c) Information provided to a private agency or organization about the enrollment status of the persons described in subsection (10)(c)(I) of this section shall be subject to an agreement with the private agency or organization. The agreement must provide for the recovery of administrative, including direct and indirect, costs incurred by the office from participation in the agreement. Any moneys collected under this paragraph shall be deposited in the Child Care Fund established under ORS 329A.010.

## **BEGINNING TEACHER AND ADMINISTRATOR PROGRAM**

**SECTION 38.** ORS 342.940 is amended to read:

342.940. (1) As used in this section and ORS 342.943, “educator” means a teacher, administrator or other school professional who is licensed, registered or certified by the Teacher Standards and Practices Commission.

(2) The Educator Advancement Council shall be established and function under an intergovernmental agreement, pursuant to ORS 190.003 to 190.130. The purposes of the council are to provide resources related to educator professional learning and to provide other educator supports.

(3) Parties to the intergovernmental agreement establishing the council must include:

- (a) The Department of Education;
- (b) The Early Learning Division;
- (c) The Teacher Standards and Practices Commission;
- (d) The Higher Education Coordinating Commission;
- (e) A school district; and
- (f) An education service district.

(4) The intergovernmental agreement establishing the council shall outline the governance framework and the administrative details necessary for the efficient and effective implementation of the duties of the council, including:

(a) Designating the maximum number of members of the council.

(b) Identifying the process for the council to select the chairperson of the council. The chairperson must be one of the members of the council and shall be responsible for overseeing official council business.

(c) Identifying the process for the council to appoint the executive director of the council. Appointment of the executive director must be by written order, filed with the Secretary of State, and the executive director shall serve at the pleasure of the council. The executive director shall be responsible for the daily operations of the council, including the appointment of all subordinate officers and employees of the council. Officers and employees of the council shall be considered persons in state service for purposes of ORS chapter 240, and, subject to ORS chapter 240, the executive director shall prescribe their duties and fix their compensation.

(5)(a) The council shall consist of:

(A) Members who are representatives of the parties to the intergovernmental agreement establishing the council, as identified in subsection (3) of this section.

(B) No more than 10 members who are practicing educators, early learning providers and professionals and school district board members.

(C) No more than 10 members who are representatives of educator preparation providers, education-focused nonprofit organizations, education-focused philanthropic organizations, professional education associations, community-based education organizations that represent families and students, post-secondary institutions of education and federally recognized Indian tribes of this state.

(b) Subject to any limits designated as provided by the intergovernmental agreement establishing the council, the majority of the members of the council identified under paragraph (a) of this subsection may propose additional members of the council. The inclusion of additional members on the council shall be subject to the procedures established by the council under the intergovernmental agreement.

(6) The council shall:

(a) Establish a system of educator networks, as described in ORS 342.943, by which every educator in this state has access to professional learning opportunities;

**(b) Administer the beginning teacher and administrator mentorship program under ORS 329.788 to 329.820;**

*[(b)]* **(c)** Coordinate the distribution of moneys to educator networks from the Educator Advancement Fund based on the needs of the educators identified by the networks;

*[(c)]* **(d)** Connect educator networks and facilitate communications within and among the networks to improve teaching and learning; and

*[(d)]* **(e)** Continuously assess the needs of educators in this state and coordinate priorities based on the moneys available for distribution from the Educator Advancement Fund.

(7) The Department of Education shall provide support to the strategic direction of the council by:

(a) Conducting and coordinating research to monitor:

(A) Teaching and learning conditions;  
(B) Educator workforce supply and demand; and  
(C) Common outcomes and measures anticipated to promote improvement in teaching and learning.

(b) Assisting the council in coordinating and connecting educator networks, supporting professional learning priorities, enabling access to professional learning and supports, leveraging funding sources and managing innovation funds.

(c) Recommending statutory and agency rule changes needed to support the purposes of the council.

(d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

(e) Supporting a statewide plan for increasing:

(A) The supply of culturally diverse teacher candidates; and

(B) The successful recruitment of effective educators to work in high-need schools and in practice areas with a shortage of educators.

(f) Identifying high-leverage educator practices to be developed by educators throughout their careers.

(g) Providing accountability of the council by ensuring that the council:

(A) Gives preference, when making recommendations about funding distributions, to entities that have demonstrated success in improving student indicators.

(B) Considers the delivery of services for the benefit of all regions of this state when establishing the system of educator networks.

(C) Works toward improving student progress indicators identified by the Department of Education or set forth in ORS 350.014.

(D) Includes and connects education providers and leaders from prekindergarten through post-secondary education.

(h) Providing staff support for the administrative functions of the council.

(i) Developing a system that allows for the statewide dissemination of emerging practices and evidence-based models.

(j) Providing technical assistance to the council, including online systems for sharing professional learning resources and supporting educator networks.

(k) Administering the distribution of grant and contract funds for programs described in this section.

(L) Providing administrative support to the educator networks, including:

(A) Making recommendations to the council about the selection of the sponsors of educator networks;

(B) Providing technical assistance to educator networks; and

(C) Entering into grant agreements or contracts for the distribution of funds to educator networks.

(8)(a) The State Board of Education and the Teacher Standards and Practices Commission may adopt any rules necessary at the request of the council to support the council or to perform any duties assigned to the board or commission under this section.

(b) The council may adopt rules pursuant to ORS chapter 183 for the *[purpose of ORS]* **purposes of ORS 329.788 to 329.820 and 342.943.**

(9) The council shall be considered a board for purposes of ORS chapter 180.

**SECTION 39.** ORS 329.788 is amended to read:

329.788. As used in ORS 329.788 to 329.820:

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

(a) Possesses an administrative license issued by the Teacher Standards and Practices Commission;

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

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

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

(a) Possesses a teaching license issued by the Teacher Standards and Practices Commission;  
(b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and  
(c) Has taught fewer than two school years as a licensed probationary teacher in any public, private or state-operated school in any state.

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

(4) "Mentor" means an individual who:

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

(b) Has met established best practice and research-based criteria as defined by the [*State Board of Education*] **Educator Advancement Council** by rule;

(c) Possesses a teaching or administrative license issued by the Teacher Standards and Practices Commission;

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

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

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

**SECTION 40.** ORS 329.795 is amended to read:

329.795. (1) The [*State Board of Education*] **Educator Advancement Council** shall establish a beginning teacher and administrator mentorship program to provide eligible beginning teachers and administrators in this state with a continued and sustained mentorship program from a formally assigned mentor.

(2) Any school district or educator network is eligible to participate in the mentorship program.

(3) A school district may participate through an educator network or may enter into a partnership with another school district, an institution of higher education, an education service district or another organization to operate jointly a mentorship program if:

(a) All moneys received as grants-in-aid for the mentorship program are administered by the participating school district or educator network to provide direct services to beginning teachers and administrators; and

(b) All other requirements of ORS 329.788 to 329.820 are met.

(4) All programs in ORS 329.788 to 329.820 are subject to the availability of funds appropriated therefor.

**SECTION 41.** ORS 329.800 is amended to read:

329.800. (1) Each school district or educator network that wishes to participate in the beginning teacher and administrator mentorship program shall submit a formal application to the [*Department of Education*] **Educator Advancement Council**. The application shall include:

(a) A description of the priorities to be addressed by moneys received by a school district or an educator network for the mentorship program, as described in ORS 329.805 (2);

(b) The names of all eligible beginning teachers and administrators employed by the school district or a school district within the educator network and a description of their assignments; and

(c) A description of the proposed mentorship program, which must provide at least 75-90 hours of frequent contact between the mentors and beginning teachers and administrators throughout the school year.

(2) The school district or educator network shall certify in the application that no eligible beginning professional educators are or may be under a conditional license, except as provided in rules of the Teacher Standards and Practices Commission.

**SECTION 42.** ORS 329.805 is amended to read:

329.805. (1) Subject to ORS 291.232 to 291.260, the [*Department of Education*] **Educator Advancement Council** shall distribute grants-in-aid to qualifying school districts or educator networks



to offset the costs of beginning teacher and administrator mentorship programs. A qualifying district or educator network shall receive annually an amount that is aligned with evidence-based best practices.

(2) If the funds are insufficient for all eligible proposals, the [*Department of Education*] **Educator Advancement Council** shall award grants on a competitive basis, taking into consideration:

(a) The priorities to be addressed by moneys received by a school district or an educator network, including efforts related to:

(A) Increasing the number of culturally and linguistically diverse educators hired; and

(B) Reflecting the demographics of the students of the school district or school districts within the educator network with the demographics of the educators of the school district or school districts within the educator network; and

(b) Whether the school district is a small school district or serves a rural community or whether the educator network serves small school districts or a rural community.

(3) The [*State Board of Education*] **Educator Advancement Council** may adopt such rules as [it] **the council** considers appropriate for the distribution of grants-in-aid under this section.

(4) A school district or an educator network that is determined by the [*Department of Education*] **Educator Advancement Council** to be in violation of one or more of the requirements of ORS 329.788 to 329.820 may be required to refund all grants-in-aid moneys distributed under ORS 329.788 to 329.820. The amount of penalty shall be determined by the [*State Board of Education*] **Educator Advancement Council**.

**SECTION 43.** ORS 329.810 is amended to read:

329.810. (1) After consulting with representatives of teachers, administrators, school boards, schools of education, the public universities listed in ORS 352.002 and such others as it considers appropriate, the [*Department of Education*] **Educator Advancement Council** shall approve training for mentors and beginning teachers and administrators in programs qualifying for grants-in-aid under ORS 329.788 to 329.820.

(2) The training curriculum for mentors shall be based on research and knowledge of the needs of beginning teachers and administrators.

(3) Mentors shall be trained to build relationships of trust and mutual collaboration with beginning teachers and administrators.

(4) Mentors shall receive professional development before the school year begins and throughout the school year.

**SECTION 44.** ORS 329.815 is amended to read:

329.815. (1) Based on the requirements of ORS 329.788 to 329.820, the selection, nature and extent of duties of mentors shall be determined:

(a) By the school district that is the employer of the teacher or administrator and of the mentor; [or]

(b) Jointly by the school district that is the employer of the teacher or administrator and the school district that is the employer of the mentor[.]; **or**

(c) **By an educator network, as described in ORS 342.943.**

(2) A teacher, principal or superintendent may not be designated as a mentor unless willing to perform in that role.

(3) For purposes of actions taken under ORS 342.805 to 342.937:

(a) A mentor may not participate in the evaluation of a beginning teacher or administrator assigned to the mentor; and

(b) Any written or other reports of a mentor regarding a beginning teacher or administrator assigned to the mentor may not be used in the evaluation of the beginning teacher or administrator.

(4) Each mentor shall complete successfully training provided or approved by the [*Department of Education*] **Educator Advancement Council** while participating in the beginning teacher and administrator mentorship program.

(5) The stipend received for each beginning teacher or administrator may be used by the school district or educator network to compensate mentors or to compensate other individuals assigned duties to provide release time for teachers, principals or superintendents acting as mentors.

**SECTION 45.** ORS 329.820 is amended to read:

329.820. (1) The [Department of Education] **Educator Advancement Council** shall be responsible for the regular and ongoing evaluation of implementation and administration of programs under ORS 329.788 to 329.820 and may contract for such evaluation. The [department] **council** may not expend in a biennium more than 2.5 percent of the total amount of moneys available for the programs on the evaluation of the programs. The evaluation may include assessments of the following:

(a) The effectiveness of the mentorship program in the retention of beginning teachers and administrators in a school district that has participated in the program and in the profession; and

(b) Student performance on statewide and other assessments.

(2) The [department] **council** may accept contributions of moneys and assistance for the purpose of the evaluation of programs from any source, public or private, and agree to conditions placed on the moneys not inconsistent with ORS 329.788 to 329.820. All moneys received by the [department] **council** under this subsection shall be deposited into the [Department of Education Account] **Educator Advancement Fund** to be used for the evaluation of programs conducted under this section.

**CAPTIONS**

**SECTION 46.** The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

**EMERGENCY CLAUSE**

**SECTION 47.** This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect July 1, 2023.

Passed by Senate June 23, 2023

.....  
Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 24, 2023

.....  
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....  
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State