

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 275**

1 In line 2 of the printed bill, after “education” insert “; creating new pro-
2 visions; amending ORS 181A.180, 326.603, 326.726, 329.496, 329.603, 329.788,
3 336.635, 338.120, 338.135, 339.250, 339.370, 339.372, 339.378, 339.388, 339.389,
4 339.390, 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127,
5 342.130, 342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165,
6 342.173, 342.175, 342.176, 342.177, 342.183, 342.192, 342.195, 342.200, 342.202,
7 342.203, 342.223, 342.350, 342.390, 342.420, 342.425, 342.430, 342.443, 342.455,
8 342.475, 342.485, 342.553, 342.856, 342.940, 342.971, 344.059, 344.062, 419B.005,
9 419B.019, 419B.035, 675.520, 676.866, 681.230 and 681.360 and section 3, chapter
10 271, Oregon Laws 2015, section 4, chapter 756, Oregon Laws 2015, section 9a,
11 chapter 518, Oregon Laws 2021, section 5, chapter 647, Oregon Laws 2021, and
12 section 1b, chapter 116, Oregon Laws 2022; repealing ORS 342.410; and de-
13 claring an emergency”.

14 Delete lines 4 through 10 and insert:

15 **“SECTION 1. The duties, functions and powers of the Teacher**
16 **Standards and Practices Commission relating to:**

17 **“(1) The issuance of any teaching, administrative or personnel ser-**
18 **vice license and the investigation of any person holding a teaching,**
19 **administrative or personnel service license are transferred to and**
20 **vested in the Department of Education.**

21 **“(2) The establishment of professional development requirements is**

1 transferred to and vested in the Department of Education.

2 “(3) The approval of educator preparation providers and education
3 preparation programs is transferred to and vested in the Department
4 of Education.

5 “**SECTION 2.** ORS 342.350 is amended to read:

6 “342.350. (1) [*There is created a Teacher Standards and Practices Com-*
7 *mission consisting*] **The Teacher Standards and Practices Commission is**
8 **established. The purposes of the commission are to:**

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

12 “(b) **Oversee disciplinary proceedings and impose discipline on de-**
13 **partment licensees.**

14 “(2) **The commission consists** of 17 members appointed by the Governor
15 subject to confirmation by the Senate in the manner provided in ORS 171.562
16 and 171.565.

17 “[2] (3) The term of office of a member is three years. Before the expi-
18 ration of the term of a member, the Governor shall appoint a successor to
19 assume the duties on January 1 next following. A member is eligible for re-
20 appointment but only for one additional term. In case of a vacancy for any
21 cause, the Governor shall make an appointment to become immediately ef-
22 fective for the unexpired term.

23 “[3] (4) Any member who through change of employment standing or
24 other circumstances no longer meets the criteria for the position to which
25 the member was appointed shall no longer be eligible to serve in that posi-
26 tion, and the position on the commission shall become vacant 60 days fol-
27 lowing the member’s change in circumstances.

28 “**NOTE:** Section 3 was deleted by amendment. Subsequent sections were
29 not renumbered.

30 “**SECTION 4.** ORS 181A.180 is amended to read:

1 “181A.180. Whenever any court or district attorney receives a disposition
2 report and the court or district attorney has cause to believe that the ar-
3 rested person who is the subject of the report is an employee of a school
4 district or is licensed as a school teacher or administrator and that the
5 charge involves a violation of any crime listed in ORS 342.143 (3), the court
6 or district attorney shall cause [*the Teacher Standards and Practices Com-*
7 *mission and*] the Department of Education to be sent a copy of the completed
8 disposition report.

9 “**SECTION 5.** ORS 326.726 is amended to read:

10 “326.726. (1) The Department of Education shall designate a dyslexia spe-
11 cialist for the department to provide school districts with support and re-
12 sources that are necessary to:

13 “(a) Assist students with dyslexia and their families; and

14 “(b) Comply with the requirements of this section.

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

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

21 “(a) Comply with the knowledge and practice standards of an interna-
22 tional organization on dyslexia;

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

24 “(c) Enable the teacher to implement instruction that is systematic, ex-
25 plicit and evidence-based to meet the educational needs of students with
26 dyslexia.

27 “(4) The department shall annually develop a list of training opportunities
28 related to dyslexia that satisfy the requirements described in subsection (3)
29 of this section. The list must:

30 “(a) Be developed [*in collaboration with the Teacher Standards and Prac-*

1 *tices Commission*] to ensure that the training opportunities also satisfy pro-
2 fessional development requirements; and

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

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

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

9 “(b) First grade, if the student first enrolls in a public school in this state
10 for first grade.

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

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

14 “(A) Phonological awareness;

15 “(B) Rapid naming skills;

16 “(C) The correspondence between sounds and letters; and

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

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

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

27 “(8)(a) A school district that does not comply with the requirements of
28 subsection (2) of this section and that does not secure a waiver from the
29 department within the time required by the State Board of Education by rule
30 is considered nonstandard under ORS 327.103.

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

4 **“SECTION 6.** ORS 329.496, as amended by section 20, chapter 81, Oregon
5 Laws 2022, is amended to read:

6 “329.496. (1) Every public school student in kindergarten through grade
7 eight shall participate in physical education for the entire school year.

8 “(2)(a) Students in kindergarten through grade five, and students in grade
9 six at a school that teaches kindergarten through grade six, shall participate
10 in physical education for at least 150 minutes during each school week.

11 “(b) Except as provided by paragraph (a) of this subsection, students in
12 grades six through eight shall participate in physical education for at least
13 225 minutes during each school week.

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

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

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

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

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

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

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

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

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

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

20 “(b)(A) For the purpose of satisfying the time requirements established
21 by subsection (2) of this section, school districts and public charter schools
22 may provide up to 45 minutes of activities during each school week that:

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

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

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

30 “(B) The Department of Education shall:

1 “(i) Review and, as appropriate, approve activities that are developed by
2 nonprofit professional organizations representing health and physical educa-
3 tion educators if the activities meet the requirements of subparagraph (A)
4 of this paragraph; and

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

7 “(C) School districts and public charter schools may provide activities
8 that meet the requirements of subparagraph (A) of this paragraph even if the
9 activities are not approved as provided by subparagraph (B) of this para-
10 graph.

11 “(5)(a) Notwithstanding subsections (1), (2) and (4) of this section, a stu-
12 dent with disabilities shall have suitably adapted physical education incor-
13 porated as part of the individualized education program developed for the
14 student under ORS 343.151.

15 “(b) Notwithstanding subsections (1), (2) and (4) of this section, a student
16 who does not have an individualized education program but has chronic
17 health problems, other disabling conditions or other special needs that pre-
18 clude the student from participating in regular physical education instruc-
19 tion shall have suitably adapted physical education incorporated as part of
20 an individualized health plan developed for the student by the school district
21 or public charter school.

22 “(6) School districts and public charter schools shall assess school cur-
23 ricula at regular intervals to measure the attainment of the minimum num-
24 ber of minutes that students are required to participate in physical education
25 under this section.

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

30 “(b)(A) Notwithstanding any licensing or endorsement requirements es-

1 tablished by the Teacher Standards and Practices Commission **by rule**, a
2 teacher with an elementary multiple subject endorsement may instruct stu-
3 dents in activities described in subsection (4)(b) of this section if the activ-
4 ities are reviewed by a licensed teacher with a physical education
5 endorsement.

6 “(B) A teacher described in this paragraph may provide instruction in
7 activities described in subsection (4)(b) of this section to students who are
8 not regularly taught by the teacher as long as the instruction in the activ-
9 ities to students who are not regularly taught by the teacher does not exceed
10 45 minutes during each school week. Nothing in this subparagraph allows a
11 school district to employ a teacher for the sole purpose of providing in-
12 struction in activities described in subsection (4)(b) of this section.

13 “(8) A school district that does not comply with the requirements of this
14 section is considered to be nonstandard under ORS 327.103.

15 “(9)(a) Notwithstanding subsection (8) of this section and pursuant to
16 rules adopted by the State Board of Education, the Superintendent of Public
17 Instruction may grant a waiver of the requirements of this section to a
18 school district or a public charter school if the superintendent finds that the
19 school district or public charter school is unable to meet the requirements
20 because of a human-created disaster or a natural disaster.

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

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

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

27 **“SECTION 7. ORS 329.603 is amended to read:**

28 “329.603. (1) Each school district must provide a coordinated comprehen-
29 sive school counseling program to support the academic, career, personal and
30 social development of each student and to develop the sense of community

1 involvement for each student.

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

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

6 “(b) A person who is licensed by the [*commission*] **department** as a school
7 social worker; or

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

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

12 “(a) Who is licensed by the [*commission*] **department** to practice outside
13 of the scope of the person’s license; or

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

15 **“SECTION 8.** ORS 329.788 is amended to read:

16 “329.788. As used in ORS 329.788 to 329.820:

17 “(1) ‘Beginning administrator’ means a principal or superintendent who:

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

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

21 “(c) Has been assigned for fewer than two school years in the
22 administrator’s present position.

23 “(2) ‘Beginning teacher’ means a teacher who:

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

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

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

30 “(3) ‘Educator network’ means an educator network established under

1 ORS 342.943.

2 “(4) ‘Mentor’ means an individual who:

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

4 “(b) Has met established best practice and research-based criteria as de-
5 fined by the State Board of Education by rule;

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

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

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

11 “(5) ‘Mentorship program’ means a program provided by a mentor to a
12 beginning teacher or administrator that includes, but is not limited to, direct
13 classroom observation and consultation, assistance in instructional planning
14 and preparation, support in implementation and delivery of classroom in-
15 struction, development of school leadership skills and other assistance in-
16 tended to assist the beginning teacher or administrator to become a confident
17 and competent professional educator who makes a positive impact on student
18 learning.

19 **“SECTION 9.** ORS 336.635 is amended to read:

20 “336.635. (1) The parent or guardian of a student may enroll the student
21 in one of the proposed public alternative education programs or private al-
22 ternative education programs of instruction or instruction combined with
23 counseling if:

24 “(a) The enrollment is necessary to meet the student’s educational needs
25 and interests.

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

27 “(c) For a program in a school district in which the student is a resident,
28 the resident school district approves the enrollment.

29 “(d) For a program in a school district in which the student is not a
30 resident, the resident school district and the attending school district ap-

1 prove the enrollment.

2 “(e) For a private alternative education program, the program is regis-
3 tered with the Department of Education.

4 “(2) If the student is eligible for special education under ORS 343.221 to
5 343.236 and 343.261 to 343.295, the program must be approved by the Depart-
6 ment of Education prior to the placement of the student in the program.

7 “(3) A student enrolled pursuant to this section is considered enrolled in
8 the schools of the district offering the program for purposes of the distrib-
9 ution of the State School Fund.

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

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

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

30 “(7) Any preliminary teaching license, professional teaching license or

1 distinguished teacher leader license issued by the [*Teacher Standards and*
2 *Practices Commission*] **Department of Education** is valid for teaching all
3 subjects and grade levels in an alternative education program operated by a
4 school district or education service district.

5 **“SECTION 10.** ORS 338.120 is amended to read:

6 “338.120. (1) In addition to any other requirements of this chapter for a
7 public charter school, a virtual public charter school must have:

8 “(a) A plan for academic achievement that addresses how the school will
9 improve student learning and meet academic content standards required by
10 ORS 329.045.

11 “(b) Performance criteria the school will use to measure the progress of
12 the school in meeting the academic performance goals set by the school for
13 its first five years of operation.

14 “(c) A plan for implementing the proposed education program of the
15 school by directly and significantly involving parents and guardians of stu-
16 dents enrolled in the school and involving the professional employees of the
17 school.

18 “(d) A budget, business plan and governance plan for the operation of the
19 school.

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

21 “(A) Monitor and track student progress and attendance; and

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

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

25 “(A) All superintendents, assistant superintendents and principals of the
26 school are licensed to administer by the [*Teacher Standards and Practices*
27 *Commission*] **Department of Education**; and

28 “(B) Teachers who are licensed to teach by the [*Teacher Standards and*
29 *Practices Commission*] **Department of Education** teach at least 95 percent
30 of the school’s instructional hours.

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

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

5 “(B) If the sponsor is the State Board of Education, at a central office
6 located in Oregon and as specified in the charter of the school.

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

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

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

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

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

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

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

28 “(L) A plan to provide opportunities for face-to-face meetings between
29 teachers and students enrolled in the school at least six times each school
30 year.

1 “(m) A plan to provide, at the time of a student’s enrollment, written
2 notice to the sponsor and, if different, to the school district where the stu-
3 dent is a resident. Notification must be provided within 10 days after en-
4 rollment and must include:

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

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

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

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

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

15 “(C) The last day on which the student was enrolled at the virtual public
16 charter school.

17 “(o) An agreement to provide a student’s education records to the
18 student’s resident school district or to the sponsor, upon request of the res-
19 ident school district or sponsor.

20 “(2) For a virtual public charter school:

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

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

24 “(B) A member of the governing body of the virtual public charter school;
25 or

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

29 “(b) A person who is a member of the governing body of the virtual public
30 charter school may not be an employee of a third-party entity with which the

1 virtual public charter school has entered, or intends to enter, into a contract
2 to provide educational services.

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

6 “(a) No employee or member of the governing board of the third-party
7 entity may attend an executive session of the school district board of the
8 school district that is the sponsor of the virtual public charter school;

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

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

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

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

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

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

28 “(b) Upon request by a sponsor or a member of the public, a virtual public
29 charter school must provide reasonable access to the documents described in
30 subsections (1) and (3)(d) of this section that are public records, as provided

1 by ORS 192.311 to 192.478. The documents may be provided electronically.

2 **“SECTION 11.** ORS 338.135, as amended by section 29, chapter 81, Oregon
3 Laws 2022, is amended to read:

4 “338.135. (1) Employee assignment to a public charter school shall be
5 voluntary.

6 “(2)(a) A public charter school or the sponsor of the public charter school
7 is considered the employer of any employees of the public charter school. If
8 a school district board is not the sponsor of the public charter school, the
9 school district board may not be the employer of the employees of the public
10 charter school and the school district board may not collectively bargain
11 with the employees of the public charter school. The public charter school
12 governing body shall control the selection of employees at the public charter
13 school.

14 “(b) If a virtual public charter school or the sponsor of a virtual public
15 charter school contracts with a for-profit entity to provide educational ser-
16 vices through the virtual public charter school, the for-profit entity may not
17 be the employer of any employees of the virtual public charter school unless:

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

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

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

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

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

30 “(3) The school district board of the school district within which the

1 public charter school is located shall grant a leave of absence to any em-
2 ployee who chooses to work in the public charter school. The length and
3 terms of the leave of absence shall be set by negotiated agreement or by
4 board policy. However, the length of the leave of absence may not be less
5 than two years unless:

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

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

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

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

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

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

29 “(B) The member was informed in writing by the public charter school
30 during the period of continuous employment that the member was eligible

1 to participate in the Public Employees Retirement System and the public
2 charter school made contributions to the system on the member's behalf;

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

6 “(D) The member resided and performed services in the United States
7 during the period of continuous employment.

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

11 “(6) For teacher licensing, employment experience in public charter
12 schools shall be considered equivalent to experience in public schools.

13 “(7)(a) Any person employed as an administrator in a public charter
14 school shall be licensed or registered to administer by the [*Teacher Stan-*
15 *dards and Practices Commission*] **Department of Education.**

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

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

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

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

3 **“SECTION 12.** ORS 339.250 is amended to read:

4 “339.250. (1) Public school students shall comply with rules for the gov-
5 ernment of such schools, pursue the prescribed course of study, use the pre-
6 scribed textbooks and submit to the teachers’ authority.

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

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

11 “(A) Willful disobedience;

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

13 “(C) Possession or distribution of tobacco, alcohol, drugs or other con-
14 trolled substances;

15 “(D) Use or display of profane or obscene language;

16 “(E) Willful damage or injury to school property;

17 “(F) Use of threats, intimidation, harassment or coercion against a stu-
18 dent or a school employee;

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

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

22 “(b) Must require consideration of the age of a student and the past pat-
23 tern of behavior of a student prior to imposing the suspension or expulsion
24 of a student.

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

26 “(A) For conduct that poses a threat to the health or safety of students
27 or school employees;

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

30 “(C) When the expulsion is required by law.

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

4 “(A) For nonaccidental conduct causing serious physical harm to a stu-
5 dent or school employee;

6 “(B) When a school administrator determines, based upon the
7 administrator’s observation or upon a report from a school employee, that
8 the student’s conduct poses a direct threat to the health or safety of students
9 or school employees; or

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

11 “(e) When an out-of-school suspension is imposed as provided under par-
12 agraph (d) of this subsection, must require the school district to take steps
13 to prevent the recurrence of the behavior that led to the out-of-school sus-
14 pension and return the student to a classroom setting so that the disruption
15 of the student’s academic instruction is minimized.

16 “(f) Must be limited so that:

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

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

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

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

26 “(a) Defines and helps create a learning environment that students re-
27 spect;

28 “(b) Defines acceptable norms of behavior for students and the types of
29 behavior that are subject to discipline;

30 “(c) Establishes procedures to address behavior or circumstances that

1 pose a threat to the safety of students or employees of the school;

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

4 “(e) Makes the system of consequences known to the school community
5 through the dissemination of information to students, parents, legal guardi-
6 ans and school district employees.

7 “(4) Each district school board shall adopt written policies on managing
8 students who threaten violence or harm in public schools. The policies
9 adopted by a district school board under this section shall include all of the
10 following:

11 “(a) Staff reporting methods.

12 “(b) Provisions that allow an administrator to consider and implement
13 any of the following options:

14 “(A) Immediately removing from the classroom setting any student who
15 has threatened to injure another person or to severely damage school prop-
16 erty.

17 “(B) Placing the student in a setting where the behavior will receive im-
18 mediate attention, including, but not limited to, the office of the school
19 principal, vice principal, assistant principal, counselor or a school psychol-
20 ogist licensed by the [*Teacher Standards and Practices Commission*] **De-**
21 **partment of Education** or the office of any licensed mental health
22 professional.

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

1 subparagraph.

2 “(c) The requirement that an administrator provide to the parent or legal
3 guardian of the student notification that describes the student’s behavior and
4 the school’s response.

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

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

9 “(a) Protect students and school employees from harm;

10 “(b) Provide opportunities for students to learn from their mistakes;

11 “(c) Foster positive learning communities;

12 “(d) Keep students in school and attending class;

13 “(e) Impose disciplinary sanctions without bias against students from a
14 protected class, as defined in ORS 339.351;

15 “(f) Implement a graduated set of age-appropriate responses to misconduct
16 that are fair, nondiscriminatory and proportionate in relation to each
17 student’s individual conduct;

18 “(g) Employ a range of strategies for prevention, intervention and disci-
19 pline that take into account a student’s developmental capacities and that
20 are proportionate to the degree and severity of the student’s misbehavior;

21 “(h) Propose, prior to a student’s expulsion or leaving school, alternative
22 programs of instruction or instruction combined with counseling for the
23 student that are appropriate and accessible to the student in the following
24 circumstances:

25 “(A) Following a second or subsequent occurrence within any three-year
26 period of a severe disciplinary problem with the student; or

27 “(B) When a parent or legal guardian applies for the student’s exemption
28 from compulsory attendance on a semiannual basis as provided in ORS
29 339.030 (2);

30 “(i) To the extent practicable, use approaches that are shown through

1 research to be effective in reducing student misbehavior and promoting safe
2 and productive social behavior; and

3 “(j) Ensure that school conduct and discipline codes comply with all state
4 and federal laws concerning the education of students with disabilities.

5 “(6) Except for policies adopted under subsection (7) of this section, any
6 policies adopted under this section must provide for the dissemination of
7 information about alternative programs of instruction or instruction com-
8 bined with counseling, as described in subsection (5)(h) of this section, in
9 writing to the student and the parent, legal guardian or person in parental
10 relationship with the student at least once every six months, unless the in-
11 formation has changed because of the availability of new programs.

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

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

16 “(A) Brought a firearm to a school, to school property under the juris-
17 diction of the school district or to an activity under the jurisdiction of the
18 school district;

19 “(B) Possessed, concealed or used a firearm in a school, on school prop-
20 erty under the jurisdiction of the school district or at an activity under the
21 jurisdiction of the school district; or

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

24 “(b) Allow exceptions:

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

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

30 “(c) Allow a superintendent of a school district to:

1 “(A) Modify the expulsion requirement for a student on a case-by-case
2 basis.

3 “(B) Propose alternative programs of instruction or instruction combined
4 with counseling for a student that are appropriate and accessible to the
5 student. If alternative programs are appropriate for a student, the super-
6 intendent shall ensure that information about programs of instruction or
7 instruction combined with counseling is provided in writing to the student
8 and the parent, legal guardian or person in parental relationship with the
9 student at least once every six months, or at any time the information
10 changes because of the availability of new programs.

11 “(d) Require a referral to the appropriate law enforcement agency of any
12 student who is expelled under this subsection.

13 “(e) Require an annual reporting to the Department of Education of the
14 name of each school that had an expulsion under this subsection and the
15 number of students expelled from each school.

16 “(8) Each district school board shall adopt and disseminate written poli-
17 cies for the use of physical force upon a student. The policies must allow an
18 individual who is a teacher, administrator, school employee or school vol-
19 unteer to use reasonable physical force upon a student when and to the ex-
20 tent the application of force is consistent with ORS 339.285 to 339.303.

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

26 “(b) As used in this subsection:

27 “(A) ‘Corporal punishment’ means the willful infliction of, or willfully
28 causing the infliction of, physical pain on a student.

29 “(B) ‘Corporal punishment’ does not include:

30 “(i) The use of physical force authorized by ORS 161.205 for the reasons

1 specified therein; or

2 “(ii) Physical pain or discomfort resulting from or caused by participation
3 in athletic competition or other such recreational activity, voluntarily en-
4 gaged in by a student.

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

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

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

11 **“SECTION 13.** ORS 339.370 is amended to read:

12 “339.370. As used in ORS 339.370 to 339.400:

13 “(1) ‘Abuse’ has the meaning given that term in ORS 419B.005.

14 “(2) ‘Agent’ means a person acting as an agent for an education provider
15 in a manner that requires the person to have direct, unsupervised contact
16 with students.

17 “[3] ‘*Commission licensee*’ has the meaning given that term in ORS
18 342.120.]

19 “[4] (3) ‘Contractor’ means a person providing services to an education
20 provider under a contract in a manner that requires the person to have di-
21 rect, unsupervised contact with students.

22 “(4) ‘**Department licensee**’ has the meaning given that term in ORS
23 **342.120.**

24 “(5)(a) ‘Education provider’ means:

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

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

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

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

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

1 “(F) Any state-operated program that provides educational services to
2 students.

3 “(G) A private school.

4 “(b) ‘Education provider’ does not include:

5 “(A) The Oregon Youth Authority;

6 “(B) The Department of Corrections; or

7 “(C) The Department of Education, except when functioning as an edu-
8 cation provider on behalf of the Oregon School for the Deaf.

9 “(6) ‘Investigation’ means a detailed inquiry into the factual allegations
10 of a report of suspected abuse or suspected sexual conduct that:

11 “(a) Is based on interviews with the person who initiated the report, the
12 person who may have been subjected to abuse or sexual conduct, witnesses
13 and the person who is the subject of the report; and

14 “(b) Results in a finding that the report:

15 “(A) Is a substantiated report;

16 “(B) Cannot be substantiated; or

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

18 “(7) ‘Law enforcement agency’ has the meaning given that term in ORS
19 419B.005.

20 “(8) ‘Licensed administrator’ means a person who is employed as an ad-
21 ministrator of an education provider and who:

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

25 “(b) Does not hold an administrative license issued by the [*commission*]
26 **department** because the person is employed by an education provider that
27 does not require administrators to be licensed by the [*commission*] **depart-**
28 **ment**.

29 “(9) ‘Private school’ means a school that provides to students instruc-
30 tional programs that are not limited solely to dancing, drama, music, reli-

1 gious or athletic instruction.

2 “(10) ‘School board’ means the entity charged with adopting policies for
3 an education provider.

4 “(11) ‘School employee’ means an employee of an education provider.

5 “(12)(a) ‘Sexual conduct’ means verbal or physical conduct or verbal,
6 written or electronic communications by a school employee, a contractor, an
7 agent or a volunteer that involve a student and that are:

8 “(A) Sexual advances or requests for sexual favors directed toward the
9 student; or

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

13 “(b) ‘Sexual conduct’ does not include:

14 “(A) Touching or other physical contact:

15 “(i) That is necessitated by the nature of the school employee’s job duties
16 or by the services required to be provided by the contractor, agent or vol-
17 unteer; and

18 “(ii) For which there is no sexual intent.

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

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

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

26 “(ii) Do not create an intimidating or hostile educational environment;
27 and

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

30 “(13) ‘Student’ means any person:

1 “(a) Who is:

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

3 “(B) Twenty-one years of age or younger and receiving educational or
4 related services from an education provider that is not a post-secondary in-
5 stitution of education; or

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

9 “(14) ‘Substantiated report’ means a report of abuse or sexual conduct
10 that a law enforcement agency, the Department of Human Services, [*the*
11 *Teacher Standards and Practices Commission,*] the Department of Education
12 or an education provider has reasonable cause to believe, based on the
13 available evidence after conducting an investigation, is founded.

14 “(15) ‘Volunteer’ means a person acting as a volunteer for an education
15 provider in a manner that requires the person to have direct, unsupervised
16 contact with students.

17 **“SECTION 14.** ORS 339.372 is amended to read:

18 “339.372. Each school board shall adopt policies on the reporting of sus-
19 pected abuse and suspected sexual conduct by school employees, contractors,
20 agents and volunteers and the reporting of suspected abuse by students. The
21 policies shall:

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

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

26 “(3) Require all school employees who have reasonable cause to believe
27 that another school employee or a contractor, an agent or a volunteer has
28 engaged in abuse or sexual conduct or that a student has engaged in abuse
29 to report:

30 “(a) To the licensed administrator designated as provided by subsection

1 (4) of this section all incidents of suspected abuse or suspected sexual con-
2 duct; and

3 “(b) To a law enforcement agency, the Department of Human Services or
4 a designee of the department as required by ORS 419B.010 and 419B.015 all
5 incidents of suspected abuse, in addition to any report made as required un-
6 der paragraph (a) of this subsection.

7 “(4) Designate a licensed administrator, and an alternate licensed admin-
8 istrator in the event the designated licensed administrator is the suspected
9 abuser, to:

10 “(a) Receive reports of suspected abuse or suspected sexual conduct by
11 school employees, contractors, agents or volunteers or suspected abuse by
12 students and specify the procedures to be followed by the licensed adminis-
13 trator upon receipt of a report; and

14 “(b) In the manner required by ORS 339.388 (2), inform [*the Teacher*
15 *Standards and Practices Commission or*] the Department of Education of re-
16 ports of suspected sexual conduct received under paragraph (a) of this sub-
17 section.

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

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

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

26 “(c) An education provider will take necessary actions as provided by
27 ORS 339.388 to ensure the student’s safety after a report is received, includ-
28 ing placing a school employee on paid administrative leave pending an in-
29 vestigation or prohibiting a contractor, an agent or a volunteer from
30 providing services to the education provider.

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

2 “(a) The name and contact information for the licensed administrator and
3 alternate licensed administrator designated for the school building to receive
4 reports of suspected abuse or suspected sexual conduct by school employees,
5 contractors, agents and volunteers or suspected abuse by students and the
6 procedures the licensed administrator will follow upon receipt of a report;
7 and

8 “(b) The contact information for making a report of suspected abuse to
9 a law enforcement agency, the Department of Human Services or a designee
10 of the department as required by ORS 419B.010 and 419B.015 and a statement
11 that the duty to report abuse is in addition to any requirement to make a
12 report to a licensed administrator.

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

17 “(8) Specify that the education provider or any school employee, contrac-
18 tor, agent or volunteer will not discipline a student for the initiation of a
19 report in good faith about suspected abuse or suspected sexual conduct by
20 a school employee, a contractor, an agent or a volunteer or suspected abuse
21 by a student.

22 “(9) Require notification, as allowed by state and federal law, by the ed-
23 ucation provider to the person who was subjected to the suspected abuse or
24 suspected sexual conduct about any actions taken by the education provider
25 based on the report.

26 “(10) Require the education provider to furnish to a school employee at
27 the time of hire, or to a contractor, an agent or a volunteer at the time of
28 beginning service for the education provider, the following:

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

30 “(b) A description of the investigatory process and possible consequences

1 if a report of suspected abuse or suspected sexual conduct is substantiated;
2 and

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

6 “(11) Specify and make available to students, school employees, contrac-
7 tors, agents and volunteers a policy of appropriate electronic communi-
8 cations with students.

9 **“SECTION 15.** ORS 339.378 is amended to read:

10 “339.378. (1)(a) Not later than 20 days after receiving a request under ORS
11 339.374 (1)(b), an education provider that has or has had an employment re-
12 lationship with the applicant shall disclose the information requested.

13 “(b) An education provider may disclose the information on a standard-
14 ized form and is not required to provide any additional information related
15 to a substantiated report of abuse or sexual conduct other than the infor-
16 mation that is required by ORS 339.374 (1)(b).

17 “(c) Information received under this section is confidential and is not a
18 public record as defined in ORS 192.311. An education provider may use the
19 information only for the purpose of evaluating an applicant’s eligibility to
20 be hired.

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

26 “(b) Nothing in paragraph (a) of this subsection prevents an education
27 provider from:

28 “(A) Disclosing the information described in subsection (1) of this section;
29 or

30 “(B) Providing the routine transmission of administrative and personnel

1 files.

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

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

9 “(B) Any of the following are true:

10 “(i) The report could be neither substantiated nor found to be unsub-
11 stantiated following an investigation;

12 “(ii) The report was found to be unsubstantiated;

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

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

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

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

24 “**SECTION 16.** ORS 339.388 is amended to read:

25 “339.388. (1)(a) A school employee shall immediately submit a report as
26 provided by paragraph (b) of this subsection if the school employee has rea-
27 sonable cause to believe that:

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

30 “(B) A student has been subjected to sexual conduct by another school

1 employee or by a contractor, an agent or a volunteer; or

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

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

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

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

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

15 “[*a*] notifying the [*Teacher Standards and Practices Commission*] **De-**
16 **partment of Education** as soon as possible of any reports of suspected
17 sexual conduct [*that may have been committed by a person who is a commis-*
18 *sion licensee; and*].

19 “[*b*] *Notifying the Department of Education as soon as possible of any re-*
20 *ports of suspected sexual conduct that may have been committed by a person*
21 *who is not a commission licensee.*]

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

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

26 “(B) Take necessary actions to ensure the student’s safety.

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

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

1 “(i) Is substantiated and the education provider takes the appropriate
2 employment action against the school employee; or

3 “(ii) Cannot be substantiated or is not a report of abuse and the education
4 provider:

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

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

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

12 “(i) Is substantiated and the education provider takes the appropriate
13 employment action against the school employee; or

14 “(ii) Cannot be substantiated or is not a report of sexual conduct and the
15 education provider:

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

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

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

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

27 “(A) May immediately prohibit the contractor, agent or volunteer from
28 providing services to the education provider.

29 “(B) Shall prohibit the contractor, agent or volunteer from providing
30 services to the education provider if the education provider determines that

1 there is reasonable cause to support a report of abuse or sexual conduct.

2 “(b) Except as provided in paragraph (c) of this subsection, an education
3 provider is not required to reinstate a contractor, an agent or a volunteer.
4 Any reinstatement of a contractor, an agent or a volunteer that does occur
5 may not occur until:

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

8 “(i) Is substantiated and the education provider takes the appropriate
9 actions to protect students; or

10 “(ii) Cannot be substantiated or is not a report of abuse and the education
11 provider:

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

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

14 “(B) For a report of suspected sexual conduct, [*the Teacher Standards and*
15 *Practices Commission or*] the Department of Education determines that the
16 report:

17 “(i) Is substantiated and the education provider takes the appropriate
18 actions to protect students; or

19 “(ii) Cannot be substantiated or is not a report of sexual conduct and the
20 education provider:

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

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

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

30 “(d) Nothing in this subsection:

1 “(A) Establishes an employment relationship between an education pro-
2 vider and a contractor or an agent; or

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

4 “(5)(a) When a report of suspected abuse or suspected sexual conduct is
5 investigated by a law enforcement agency, the Department of Human
6 Services[, *the Teacher Standards and Practices Commission*] or the Depart-
7 ment of Education, an education provider may use the findings of the entity
8 that conducted the investigation for the purpose of subsection (3) or (4) of
9 this section and for making any determinations described in subsection (6)
10 of this section.

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

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

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

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

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

20 “(I) Suspending any investigations of the education provider at the re-
21 quest of the entity; and

22 “(II) Sharing information with the entity as provided by subsection (10)
23 of this section.

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

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

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

30 “(B) The education provider will take any employment actions, including

1 disciplinary action against the school employee or changes to the employ-
2 ment relationship or duties of the school employee.

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

5 “(A) A law enforcement agency, the Department of Human Services[, *the*
6 *Teacher Standards and Practices Commission*] or the Department of Educa-
7 tion; or

8 “(B) The education provider, if the education provider conducts an in-
9 vestigation.

10 “(c) A final determination by a law enforcement agency, the Department
11 of Human Services[, *the Teacher Standards and Practices Commission*] or the
12 Department of Education that a report of suspected abuse or suspected sex-
13 ual conduct cannot be substantiated or is not a report of abuse or sexual
14 conduct does not:

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

17 “(B) Prohibit an education provider from taking any employment actions
18 against a school employee.

19 “(d) Except as provided by paragraph (e) of this subsection, determi-
20 nations made under paragraph (a) of this subsection must be made:

21 “(A) Within 60 calendar days from the date the education provider re-
22 ceived from a law enforcement agency, the Department of Human Services[,
23 *the Teacher Standards and Practices Commission*] or the Department of Ed-
24 ucation a final determination that a report of suspected abuse or suspected
25 sexual conduct involving a school employee is a substantiated report; or

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

27 “(i) Received from a law enforcement agency, the Department of Human
28 Services[, *the Teacher Standards and Practices Commission*] or the Depart-
29 ment of Education a final determination that a report of suspected abuse or
30 suspected sexual conduct involving a school employee cannot be substanti-

1 ated or is not a report of abuse or sexual conduct; or

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

4 “(e) The timelines prescribed by paragraph (d) of this subsection may be
5 extended if, for good cause, a longer period of time is necessary. For an ed-
6 ucation provider that conducts an investigation, good cause may include
7 suspending an investigation as required by subsection (5)(b) of this section.

8 “(7) If, in the course of an investigation by an education provider, the
9 education provider becomes aware of new information that gives rise to a
10 reasonable cause to believe that abuse or sexual conduct occurred, the edu-
11 cation provider shall ensure that a report is made to a law enforcement
12 agency, the Department of Human Services, a designee of the department as
13 required by ORS 419B.010 and 419B.015[, *the Teacher Standards and Practices*
14 *Commission*] or the Department of Education.

15 “(8) If, following an investigation, an education provider determines that
16 the education provider will take an employment action, the education pro-
17 vider shall:

18 “(a) Inform the school employee of the employment action that will be
19 taken by the education provider.

20 “(b) Provide the school employee with information about the appropriate
21 appeal process for the employment action taken by the education provider.
22 The appeal process may be the process provided by a collective bargaining
23 agreement or a process administered by a neutral third party and paid for
24 by the education provider.

25 “(c) Following notice of a school employee’s decision not to appeal the
26 employment action of an education provider or following the determination
27 of an appeal that sustained the employment action taken by the education
28 provider, create a record of the findings of the substantiated report and the
29 employment action taken by the education provider and place the record in
30 any documents maintained by the education provider on the school employee.

1 Records created pursuant to this paragraph are confidential and are not
2 public records as defined in ORS 192.311. An education provider may use the
3 record as a basis for providing the information required to be disclosed about
4 a school employee under ORS 339.378 (1).

5 “(d) Inform the school employee that information about substantiated re-
6 ports may be disclosed to a potential employer as provided by ORS 339.378
7 (1).

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

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

12 “(i) The provisions of this section; or

13 “(ii) The standards and policies of the private school if the standards and
14 policies provide the same or greater safeguards for the protection of students
15 compared to the safeguards described in this section.

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

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

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

29 **“SECTION 17.** ORS 339.389 is amended to read:

30 “339.389. (1) When the Department of Education receives from the De-

1 department of Human Services notification of a report of abuse or receives a
2 report on the outcomes of an investigation of abuse, as provided by ORS
3 419B.019 or 419B.020, and the notification or report involves a child and a
4 person who is a school employee, contractor, agent or volunteer, the De-
5 partment of Education may notify, as soon as practicable, any education
6 provider that the Department of Education determines must be notified to
7 ensure the safety of children.

8 “(2) When providing notice to an education provider under subsection (1)
9 of this section, the Department of Education:

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

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

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

19 “[*(a) The commission must be notified to ensure the safety of children;*
20 *and]*

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

23 “(4)(a) Notwithstanding ORS 192.311 to 192.478, any information received
24 as provided by this section is not a public record and is not subject to public
25 inspection.

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

28 “(5) The State Board of Education may adopt rules for the purposes of
29 implementing this section.

30 “**SECTION 18.** ORS 339.390 is amended to read:

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

5 “(b) An investigation and final determination related to a report received
6 under paragraph (a) of this subsection must be completed and notification
7 of the final determination must be made to the education provider within 90
8 calendar days following the date on which the report was filed with the
9 [*commission*] **department**.

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

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

17 “(a) Issue subpoenas to require the attendance of witnesses or the pro-
18 duction of documents;

19 “(b) Subpoena witnesses; and

20 “(c) Swear witnesses and compel obedience in the same manner as pro-
21 vided under ORS 183.440 (2).

22 “(3)(a) Following the completion of an investigation, the investigator
23 shall report in writing any findings and recommendations to [*the executive*
24 *director of the Teacher Standards and Practices Commission*] **the Super-**
25 **intendent of Public Instruction**.

26 “(b) If, based on the findings, the [*executive director*] **superintendent** be-
27 lieves there is an immediate threat to a student, the [*executive director*] **su-**
28 **perintendent** shall request that the **Teacher Standards and Practices**
29 **Commission** meet in executive session.

30 “(4) The [*executive director*] **superintendent** or the investigator shall re-

1 port in writing the findings and any recommendations to the commission.
2 The commission shall decide if there is sufficient cause to justify holding a
3 hearing under ORS 342.177.

4 “(5) If the commission finds that there is sufficient cause to justify hold-
5 ing a hearing under ORS 342.177, the commission shall notify in writing:

6 “(a) The person charged, enclosing a statement of the charges and a no-
7 tice of opportunity for hearing;

8 “(b) The student and, if applicable, the student’s parents;

9 “(c) The education provider; and

10 “(d) The person who provided the report of suspected sexual conduct.

11 “(6) If the commission finds that there is not sufficient cause to justify
12 holding a hearing under ORS 342.177, the commission shall notify in writing:

13 “(a) The person charged;

14 “(b) The student and, if applicable, the student’s parents;

15 “(c) The education provider; and

16 “(d) The person who provided the report of suspected sexual conduct.

17 “(7)(a) The documents and materials used in the investigation undertaken
18 under this section, and the report related to the investigation, are confiden-
19 tial and not subject to public inspection:

20 “(A) Unless the commission makes a final determination to discipline a
21 [*commission*] **department** licensee, as provided under ORS 342.175.

22 “(B) Except as provided by paragraphs (b) to (d) of this subsection.

23 “(b) Documents, materials and reports that are confidential under para-
24 graph (a) of this subsection may be disclosed to an entity listed in paragraph
25 (c) or (d) of this subsection only as provided by this subsection and rules
26 adopted by **the State Board of Education and** the commission. The entity
27 that receives documents, materials or reports must maintain their
28 confidentiality unless disclosure is allowed or required under this section or
29 other state or federal law.

30 “(c) To the extent allowed by state and federal law, the **department and**

1 commission shall make available any documents, materials and reports that
2 are confidential under paragraph (a) of this subsection to[:]

3 “[A)] a law enforcement agency or the Department of Human Services
4 for the purpose of conducting an investigation under ORS 419B.005 to
5 419B.050. [; or]

6 “[B) *The Department of Education for the purpose of conducting an in-*
7 *vestigation under ORS 339.391.*]

8 “(d)(A) The [commission] **Department of Education** shall make available
9 the [commission’s] **department’s** investigative report to:

10 “(i) An education provider for the purpose of the education provider tak-
11 ing any disciplinary actions or making changes in the employment relation-
12 ship or duties of the [commission] **department** licensee; and

13 “(ii) The [commission] **department** licensee who is the subject of the re-
14 port.

15 “(B) The [commission] **department** must redact the [executive director’s]
16 **superintendent’s** recommendation from the report made available under this
17 paragraph.

18 “(C) A [commission] **department** licensee who receives a report under
19 this paragraph may share the report with the person’s attorney or union
20 representative. An attorney or union representative who receives a report
21 under this subparagraph must maintain the report’s confidentiality unless
22 disclosure is allowed or required under this section or other state or federal
23 law.

24 “(e) The [commission] **department** shall retain documents and materials
25 related to any report received under this section, regardless of whether the
26 commission found sufficient cause to justify holding a hearing under this
27 section.

28 “(8) Notwithstanding ORS 192.660 (6), the commission may make its
29 findings under this section in executive session. The provisions of ORS
30 192.660 (4) apply to executive sessions held pursuant to this subsection.

1 “(9) The **State Board of Education and the Teacher Standards and**
2 **Practices** Commission shall adopt any rules necessary for the administration
3 of this section, including a process to appeal the findings of the commission
4 under this section.

5 “**SECTION 19.** ORS 339.391 is amended to read:

6 “339.391. (1)(a) When the Department of Education receives a report of
7 suspected sexual conduct that may have been committed by a school em-
8 ployee, contractor, agent or volunteer that is not a [*commission*] **department**
9 licensee, the department shall immediately initiate an investigation.

10 “(b) An investigation and final determination related to the report re-
11 ceived under paragraph (a) of this subsection must be completed and notifi-
12 cation of the final determination must be made to the education provider
13 within 90 calendar days following the date on which the report was filed
14 with the department.

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

19 “(2) The department shall appoint an investigator and shall furnish the
20 investigator with appropriate professional and other special assistance rea-
21 sonably required to conduct an investigation. An investigator appointed un-
22 der this subsection is empowered to:

23 “(a) Issue subpoenas to require the attendance of witnesses or the pro-
24 duction of documents;

25 “(b) Subpoena witnesses; and

26 “(c) Swear witnesses and compel obedience in the same manner as pro-
27 vided under ORS 183.440 (2).

28 “(3)(a) Following the completion of an investigation, the Department of
29 Education shall notify:

30 “(A) The person charged;

1 “(B) The student and, if applicable, the student’s parents or legal guardi-
2 ans;

3 “(C) The education provider;

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

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

7 “[*i*] *Is not the Teacher Standards and Practices Commission; and*]

8 “[*ii*] the department knows licensed, registered, certified or otherwise
9 authorized the school employee, contractor, agent or volunteer to practice a
10 profession or to provide professional services.

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

13 “(A) The statutory authority of the department to conduct the investi-
14 gation;

15 “(B) The procedural background for the investigation;

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

17 “(D) The department’s findings of fact from the investigation;

18 “(E) The department’s final determination based on the investigation; and

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

20 “(4)(a) Except as provided in paragraph (b) of this subsection and sub-
21 section (3) of this section, the documents and materials used in the investi-
22 gation undertaken under this section, and the report related to the
23 investigation, are confidential and not subject to public inspection.

24 “(b) To the extent allowed by state and federal law, the department shall
25 make available any documents, materials and reports to:

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

28 “(B) The Teacher Standards and Practices Commission if necessary for
29 the commission to [*conduct an investigation under ORS 339.390*] **impose**
30 **discipline related to a department licensee;** and

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

4 “(c) The Department of Education shall retain documents and materials
5 related to any report received under this section for a period of 75 years.

6 “(5) A person who is the subject of an investigation under this section
7 may appeal a final determination that the report related to the investigation
8 is a substantiated report as a contested case under ORS chapter 183.

9 “(6) The State Board of Education shall adopt any rules necessary for the
10 administration of this section.

11 **“SECTION 20.** ORS 341.535 is amended to read:

12 “341.535. (1) Community college faculty are not required to have teaching
13 licenses.

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

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

26 **“SECTION 21.** ORS 342.120 is amended to read:

27 “342.120. As used in this chapter, unless the context requires otherwise:

28 “(1) ‘Administrator’ includes but is not limited to all superintendents,
29 assistant superintendents, principals and academic program directors in
30 public schools or education service districts who have direct responsibility

1 for supervision or evaluation of licensed teachers and who are compensated
2 for their services from public funds.

3 “(2) ‘Administrative license’ means a license issued under ORS 342.125
4 (3)(f) or (g).

5 “(3) ‘Approved educator preparation program’ means a licensure program
6 that:

7 “(a) Prepares persons to become educators in any grade from preprimary
8 through grade 12;

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

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

12 “(4) ‘Approved educator preparation provider’ means a sponsor or provider
13 of an educator preparation program that meets the standards of the [*Teacher*
14 *Standards and Practices Commission*] **State Board of Education**, as pro-
15 vided by ORS 342.147.

16 “(5) ‘[*Commission*] **Department** licensee’ means a person whom the
17 [*Teacher Standards and Practices Commission*] **Department of Education**
18 has the authority to investigate or discipline because the person:

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

20 “(b) Is an applicant for a [*Teacher Standards and Practices Commission*]
21 **Department of Education** license or registration;

22 “(c) Holds a license or registration issued by the [*Teacher Standards and*
23 *Practices Commission*] **Department of Education**; or

24 “(d) Has held a license or registration issued by the [*Teacher Standards*
25 *and Practices Commission*] **Department of Education** at any time during
26 the previous five years.

27 “(6) ‘Instruction’ includes preparation of curriculum, assessment and di-
28 rection of learning in class, in small groups, in individual situations, online,
29 in the library and in guidance and counseling, but does not include the
30 provision of related services, as defined in ORS 343.035, to a child identified

1 as a child with a disability pursuant to ORS 343.146 to 343.183 when provided
2 in accordance with ORS 343.221.

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

8 “(8) ‘Teacher’ includes all licensed employees in the public schools or
9 employed by an education service district who have direct responsibility for
10 instruction or coordination of educational programs and who are compen-
11 sated for their services from public funds. ‘Teacher’ does not include a school
12 nurse as defined in ORS 342.455 or an instructional assistant.

13 “(9) ‘Teaching license’ means a license issued under ORS 342.125 or
14 342.144.

15 “(10) ‘Underrepresented person’ means:

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

18 “(b) A person of Hispanic culture or origin;

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

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

23 “**SECTION 22.** ORS 342.121 is amended to read:

24 “342.121. (1) The [*Teacher Standards and Practices Commission*] **Depart-**
25 **ment of Education** shall issue licenses to teachers and administrators who
26 possess the minimum competencies, knowledge and skills to teach and ad-
27 minister in the public schools of this state.

28 “(2) In addition to a teaching or administrative license, a person may
29 obtain professional certification, indicating a higher degree of competency,
30 knowledge and skill based on work experience and advanced study, from a

1 professional organization of teachers or administrators on the national level.
2 A professional teaching certificate or administrative certificate is not re-
3 quired to teach or administer in a public school of this state.

4 **“SECTION 23.** ORS 342.122 is amended to read:

5 “342.122. (1) There is created the National Board Certification Fund,
6 separate and distinct from the General Fund. Interest earned on moneys in
7 the National Board Certification Fund shall be credited to the fund.

8 “(2) The National Board Certification Fund shall include any state or
9 federal moneys made available to the fund, including moneys appropriated
10 by the Legislative Assembly and federal moneys made available to improve
11 teacher quality through professional development. The [*Teacher Standards*
12 *and Practices Commission*] **Department of Education** may accept from any
13 source any grant, donation or gift of money or other valuable thing made to
14 the [*commission*] **department** for purposes of the fund.

15 “(3) Moneys credited to the National Board Certification Fund are con-
16 tinuously appropriated to the [*commission*] **department** for the purposes set
17 forth in subsections (4) and (5) of this section. The [*commission*] **department**
18 may draw checks or orders upon the State Treasurer in making disburse-
19 ments from the fund for the purposes stated in this subsection.

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

26 “(5) The [*Teacher Standards and Practices Commission*] **department** may
27 disburse moneys from the National Board Certification Fund to applicants
28 for assistance with the direct costs of seeking and obtaining national board
29 certification, including reimbursement for the costs of each of the compo-
30 nents necessary for certification and reimbursement for costs related to

1 participating in a cohort for certification. The [*commission*] **department** may
2 retain no more than 10 percent of all moneys received under this section
3 during a biennium from state and federal sources for the purpose of paying
4 administrative expenses incurred by the [*commission*] **department** under this
5 subsection.

6 “(6) The [*Teacher Standards and Practices Commission*] **State Board of**
7 **Education** shall adopt rules that govern the disbursement of moneys from
8 the National Board Certification Fund consistent with this section, including
9 requirements that recipients of disbursements must be licensed by the [*com-*
10 *mission*] **department** and employed with a public educational program in
11 this state.

12 **“SECTION 24.** ORS 342.123 is amended to read:

13 “342.123. (1) In addition to and not in lieu of any other law or rule or
14 standard established by the Teacher Standards and Practices Commission,
15 the [*commission*] **Department of Education** shall require an applicant for
16 a first-time license or registration issued by the [*commission*] **department**
17 to demonstrate knowledge of:

18 “(a) Title VI of the Civil Rights Act of 1964, Title IX of the Education
19 Amendments of 1972, and other relevant federal and state statutes prohibit-
20 ing discrimination; and

21 “(b) Ethical standards of professional conduct for licensees and regis-
22 trants, as determined by the [*commission*] **department**.

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

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

26 “342.125. (1) Teaching licenses shall be issued and renewed by the
27 [*Teacher Standards and Practices Commission*] **Department of Education**
28 by the authority of the State of Oregon, subject to ORS 342.120 to 342.430
29 and the rules of the [*commission*] **Teacher Standards and Practices Com-**
30 **mission**.

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

5 “(a) The person is not ineligible for a license following background checks
6 conducted by the [*Teacher Standards and Practices Commission*] **Depart-**
7 **ment of Education**, including a criminal records check as provided in ORS
8 181A.195 and a background check through an interstate clearinghouse of re-
9 voked and suspended licenses;

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

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

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

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

19 “(a) Preliminary teaching license.

20 “(b) Professional teaching license.

21 “(c) Distinguished teacher leader license.

22 “(d) Preliminary personnel service license.

23 “(e) Professional personnel service license.

24 “(f) Preliminary administrative license.

25 “(g) Professional administrative license.

26 “(h) Reciprocal license.

27 “(i) Legacy license.

28 “(4) The Teacher Standards and Practices Commission may establish **by**
29 **rule** other types of teaching licenses as the commission considers necessary
30 for operation of the public schools of the state and may prescribe the quali-

1 fications for the licenses. However, no license established under the author-
2 ity of this subsection is required for a regular classroom teaching position
3 in the public schools.

4 “(5)(a) The Teacher Standards and Practices Commission shall establish
5 **by rule** a public charter school teacher and administrator registry **to be**
6 **maintained by the Department of Education**. The [*commission*] **depart-**
7 **ment** shall require the applicant and the public charter school to jointly
8 submit an application requesting registration as a public charter school
9 teacher or administrator. The application shall include:

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

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

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

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

29 “(c) A registration as a public charter school teacher qualifies its holder
30 to accept the teaching position described in the application in the public

1 charter school that submitted the application with the holder of the regis-
2 tration.

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

7 “(6)(a) The Teacher Standards and Practices Commission shall adopt **by**
8 **rule** an expedited process for the issuance of any license established pursu-
9 ant to this section. The expedited process may require the following:

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

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

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

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

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

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

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

24 “(d) For purposes of this subsection, the [*commission*] **department** may
25 not distinguish between a school district or an education service district
26 involved in a labor dispute and any other school district or education service
27 district.

28 “**SECTION 25a.** Section 5, chapter 647, Oregon Laws 2021, is amended to
29 read:

30 “**Sec. 5.** The amendments to ORS 342.127 by section 4 [*of this 2021 Act*],

1 **chapter 647, Oregon Laws 2021, become operative on [January 1, 2026] on**
2 **the effective date of this 2023 Act.**

3 **“SECTION 26.** ORS 342.127, as amended by section 4, chapter 647, Oregon
4 Laws 2021, is amended to read:

5 “342.127. (1) The [*Teacher Standards and Practices Commission shall es-*
6 *tablish and*] **State Board of Education shall establish by rule and the**
7 **Department of Education shall** collect:

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

12 “(b) A fee not to exceed \$350 for the renewal of each educator license and
13 a fee not to exceed \$50 for each official paper license. If the educator is
14 certified by a national professional organization for teaching standards re-
15 cognized by the [*commission*] **Teacher Standards and Practices Commis-**
16 **sion by rule**, the [*commission*] **department** shall renew the license without
17 charge.

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

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

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

26 “(2) In addition to the fee required by subsection (1) of this section for
27 the issuance of an educator license, the [*commission*] **department** shall col-
28 lect a fee not to exceed \$150 for the evaluation of an applicant requesting
29 licensing based upon completion of an educator preparation program other
30 than an Oregon approved educator preparation program.

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

7 “(4) In addition to the fees required by subsection (1) of this section, the
8 [commission] **department** shall collect a late application fee not to exceed
9 \$350 for the reinstatement of an expired license. The requirements for rein-
10 statement **shall be determined by the commission by rule** and the actual
11 amount of the fee shall be determined in accordance with rules of the [com-
12 mission] **board**.

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

17 “(6) In addition to the fee required by subsection (1) of this section for
18 the issuance of an educator license, the [commission] **department** shall col-
19 lect a fee not to exceed \$1,000 for the reinstatement of a license that has
20 been suspended or revoked by the commission for gross neglect of duty or
21 gross unfitness under ORS 342.175.

22 “(7) In addition to the fee required by subsection (1) of this section for
23 the issuance of an educator license, the [commission] **department** shall col-
24 lect a fee not to exceed \$200 for the issuance of any license through an ex-
25 pedited process under ORS 342.125 (6) at the request of any school district,
26 public charter school or education service district that seeks to employ the
27 applicant. The fee shall be paid by the school district, public charter school
28 or education service district.

29 “(8)(a) **The board shall establish by rule and the department shall**
30 **collect:**

1 “(A) A fee for each approved educator preparation provider, based
2 on the number of license applications received by the department from
3 the provider; and

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

6 “(b) Notwithstanding paragraph (a) of this subsection, the board
7 may establish and the department shall collect a flat fee for the pur-
8 poses described in paragraph (a) of this subsection if the number of
9 teacher applicants enrolled in the educator preparation programs of-
10 fered by the educator preparation provider does not exceed a number
11 identified by the board by rule.

12 “(c) The method for determining the fee and the actual amount of
13 the fee imposed under this subsection shall be determined in accord-
14 ance with rules of the board.

15 “[(8)](9) Fees established under this section shall cover, but not exceed,
16 the full cost of administrative expenses incurred by the [commission] de-
17 partment under this chapter during any biennium.

18 “**SECTION 27.** ORS 342.127, as amended by section 26 of this 2023 Act,
19 is amended to read:

20 “342.127. (1) The State Board of Education shall establish by rule and the
21 Department of Education shall collect:

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

26 “(b) A fee not to exceed \$350 for the renewal of each educator license and
27 a fee not to exceed \$50 for each official paper license. If the educator is
28 certified by a national professional organization for teaching standards re-
29 cognized by the Teacher Standards and Practices Commission by rule, the
30 department shall renew the license without charge.

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

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

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

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

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

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

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

28 “(6) In addition to the fee required by subsection (1) of this section for
29 the issuance of an educator license, the department shall collect a fee not
30 to exceed \$1,000 for the reinstatement of a license that has been suspended

1 or revoked by the commission for gross neglect of duty or gross unfitness
2 under ORS 342.175.

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

10 “[8)(a) *The board shall establish by rule and the department shall*
11 *collect:*]

12 “[A) *A fee for each approved educator preparation provider, based on the*
13 *number of license applications received by the department from the provider;*
14 *and]*

15 “[B) *A fee for each approved educator preparation provider, based on the*
16 *type of educator preparation programs that the provider offers.]*

17 “[b) *Notwithstanding paragraph (a) of this subsection, the board may es-*
18 *tablish and the department collect a flat fee for the purposes described in*
19 *paragraph (a) of this subsection if the number of teacher applicants enrolled*
20 *in the educator preparation programs offered by the educator preparation pro-*
21 *vider does not exceed a number identified by the board by rule.]*

22 “[c) *The method for determining the fee and the actual amount of the fee*
23 *imposed under this subsection shall be determined in accordance with rules*
24 *of the board.]*

25 “[9)] (8) Fees established under this section shall cover, but not exceed,
26 the full cost of administrative expenses incurred by the department under
27 this chapter during any biennium.

28 **“SECTION 27a. The amendments to ORS 342.127 by section 27 of this**
29 **2023 Act become operative on January 1, 2026.**

30 **“SECTION 28.** ORS 342.130 is amended to read:

1 “342.130. (1) Nothing in ORS 342.120 to 342.173 is intended to invalidate
2 the life of any certificate or diploma in effect on June 30, 1965, nor to in-
3 validate the rights granted prior to June 30, 1965, by the law and the rules
4 of the State Board of Education under which the certificate or diploma was
5 issued.

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

10 “(3) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life
11 of any basic or standard teaching or administrative license in effect prior to
12 January 15, 1999, nor to invalidate the rights granted prior to January 15,
13 1999, by the law and by the rules under which the license was issued.

14 “(4) Nothing in chapter 647, Oregon Laws 2015, is intended to invalidate
15 the life of any teaching, administrative or personnel service license in effect
16 on July 6, 2015, or to alter the rights and privileges granted prior to July
17 6, 2015, by the law under which the license was issued.

18 **“(5) Nothing in this 2023 Act is intended to invalidate the life of any**
19 **teaching, administrative or personnel service license in effect prior to**
20 **the effective date of this 2023 Act, or to alter the rights and privileges**
21 **granted prior to the effective date of this 2023 Act, by law under which**
22 **the license was issued.**

23 **“SECTION 29.** ORS 342.136 is amended to read:

24 “342.136. (1) A preliminary teaching license, personnel service license or
25 administrative license shall qualify its holder to accept any assignment from
26 preprimary through grade 12 for which the holder has completed the re-
27 quirements established by the rules of the Teacher Standards and Practices
28 Commission.

29 “(2) A preliminary teaching license, personnel service license or adminis-
30 trative license shall be issued on application to an otherwise qualified ap-

1 plicant who has completed an approved professional education program and
2 meets such other requirements as the commission may consider necessary to
3 maintain and improve the quality of instruction in the public schools of the
4 state.

5 “(3) In addition to any requirements imposed under subsections (1) and (2)
6 of this section, an applicant for a preliminary teaching license must complete
7 a supervised clinical practice experience. The supervised clinical practice
8 experience:

9 “(a) May include student teaching, internships, observations and similar
10 experiences;

11 “(b) Must be under the direction of:

12 “(A) A supervisor from the approved educator preparation program in
13 which the applicant is enrolled; and

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

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

18 “(ii) Has been an effective teacher for three or more years, as determined
19 under rules adopted by the commission; and

20 “(iii) Is trained to supervise the applicant during the applicant’s super-
21 vised clinical practice experience and to work in partnership with the
22 applicant’s supervisor from an approved educator preparation program; and

23 “(c) Must comply with other requirements adopted by the commission by
24 rule.

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

28 “(5) The [*commission*] **department** shall develop a process that allows a
29 teacher holding a preliminary teaching license to continually renew the
30 preliminary teaching license based on the completion of requirements estab-

1 lished by the rules of the commission if the teacher does not qualify for a
2 professional teaching license due to lack of employment.

3 **“SECTION 30.** ORS 342.137 is amended to read:

4 “342.137. (1) A distinguished teacher leader license shall designate that
5 its holder is qualified to provide leadership that may include mentoring,
6 curriculum development support, teacher preparation support and other edu-
7 cational leadership.

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

10 “(a) Has a valid professional teaching license; and

11 “(b) Has been deemed to be effective to highly effective in teaching, as
12 shown by:

13 “(A) A combination of evaluations conducted in compliance with ORS
14 342.856 and evidence of current professional leadership practices, as deter-
15 mined based on standards adopted by the Teacher Standards and Practices
16 Commission by rule; or

17 “(B) Other evidence identified by the commission by rule.

18 “(3) A distinguished teacher leader license may be renewed if the appli-
19 cant meets the requirements established by the commission by rule.

20 “(4) The [*commission*] **Department of Education** shall develop a process
21 by which a teacher holding a distinguished teacher leader license is auto-
22 matically issued a professional teaching license upon nonrenewal of a dis-
23 tinguished teacher leader license if the teacher meets the requirements for
24 a professional teaching license.

25 **“SECTION 31.** ORS 342.138 is amended to read:

26 “342.138. (1) A professional teaching license, a professional personnel
27 service license or a professional administrative license qualifies the holder
28 to accept any assignments for preprimary through grade 12 for which the
29 holder has completed the advanced requirements established by the rules of
30 the Teacher Standards and Practices Commission.

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

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

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

8 “(c) Demonstrated minimum competencies, knowledge and skills required
9 for the professional teaching license, professional personnel service license
10 or professional administrative license through an approved educator prepa-
11 ration provider, school district, professional organization described in ORS
12 342.121, or professional assessment approved by the [commission] **depart-**
13 **ment.**

14 “(3) The holder of a professional teaching license, professional personnel
15 service license or professional administrative license may renew the license
16 in accordance with the rules of the commission.

17 **“SECTION 32.** ORS 342.143 is amended to read:

18 “342.143. (1) A teaching, personnel service or administrative license, or
19 public charter school registration, may not be issued to any person until the
20 person has attained the age of 18 years and has furnished satisfactory evi-
21 dence of proper educational training.

22 “(2) The [*Teacher Standards and Practices Commission*] **Department of**
23 **Education** may require an applicant for a teaching, personnel service or
24 administrative license or for registration as a public charter school teacher
25 or administrator to furnish evidence satisfactory to the [commission] **de-**
26 **partment** of good moral character, mental and physical health, and such
27 other evidence as the [commission] **Teacher Standards and Practices**
28 **Commission by rule or the department** may deem necessary to establish
29 the applicant’s fitness to serve as a teacher or administrator.

30 “(3) Without limiting the powers of the [*Teacher Standards and*

1 *Practices*] commission **or department** under subsection (2) of this section:

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

4 “(A) Has been convicted of a crime listed in ORS 163.095, 163.107, 163.115,
5 163.185, 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408,
6 163.411, 163.415, 163.425, 163.427, 163.432, 163.433, 163.435, 163.445, 163.465,
7 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),
8 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325,
9 164.415, 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062,
10 167.075, 167.080, 167.090, 475.808, 475.810, 475.812, 475.818, 475.820, 475.822,
11 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872, 475.878, 475.880,
12 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

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

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

18 “(D) Has had a teaching, personnel service or administrative license, or
19 a public charter school registration, revoked in another jurisdiction for a
20 reason that is substantially equivalent, as defined by rule, to a reason de-
21 scribed in ORS 342.175 and the revocation is not subject to further appeal.
22 A person whose right to apply for a license or registration is denied under
23 this subparagraph may apply for reinstatement of the right as provided in
24 ORS 342.175 (4).

25 “(b) The [*Teacher Standards and Practices Commission*] **department** may
26 refuse to issue a license or registration to any person who has been con-
27 victed of:

28 “(A) A crime involving the illegal use, sale or possession of controlled
29 substances; or

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

1 “(4) In denying the issuance of a license or registration under this sec-
2 tion, the [commission] **department** shall follow the procedure set forth in
3 ORS 342.176 and 342.177.

4 **“SECTION 33.** ORS 342.144 is amended to read:

5 “342.144. (1) As used in this section, ‘American Indian tribe’ means an
6 Indian tribe as that term is defined in ORS 97.740.

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

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

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

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

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

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

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

21 “(6) The commission may not require an applicant to hold a specific aca-
22 demic degree, to complete a specific amount of education or to complete an
23 educator preparation program to receive an American Indian languages
24 teaching license.

25 “(7)(a) An American Indian languages teaching license qualifies the
26 holder to accept a teaching position in a school district, public charter
27 school, education service district, community college or public university
28 listed in ORS 352.002.

29 “(b) A holder of an American Indian languages teaching license who does
30 not also have a teaching license issued under ORS 342.125 may not teach in

1 a school district or education service district any subject other than the
2 American Indian language the holder of the license is approved to teach by
3 the tribe.

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

9 “(8)(a) As used in this subsection, ‘technical assistance program’ means
10 a program provided to an American Indian languages teacher by a licensed
11 teacher with three or more years of teaching experience. A technical assist-
12 ance program may include direct classroom observation and consultation,
13 assistance in instructional planning and preparation, support in implemen-
14 tation and delivery of classroom instruction, and other assistance intended
15 to enhance the professional performance and development of the American
16 Indian languages teacher.

17 “(b) The holder of an American Indian languages teaching license who
18 does not also have an administrative license, teaching license or registration
19 issued under ORS 342.125 and who is employed by a school district, public
20 charter school or education service district shall participate in a technical
21 assistance program with a person holding a teaching license issued by the
22 [commission] **Department of Education** under ORS 342.125. The technical
23 assistance program shall meet the guidelines specified in ORS 329.815 (2) to
24 (4).

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

28 “**SECTION 34.** ORS 342.147 is amended to read:

29 “342.147. (1)(a) The [*Teacher Standards and Practices Commission*] **State**
30 **Board of Education, taking into consideration recommendations of the**

1 **Teacher Standards and Practices Commission and the Educator Ad-**
2 **vancement Council**, shall establish by rule standards for approval of edu-
3 cator preparation providers and educator preparation programs.

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

7 “(A) Uses multiple measures to determine if a candidate’s knowledge,
8 skills and competencies qualify the candidate for a teaching license; and

9 “(B) Includes at least one measure that is locally determined and adopted
10 by the educator preparation provider, and that is then approved by the
11 [*commission*] **Department of Education**.

12 “(c) Standards for approval of an educator preparation program for early
13 childhood education, elementary education, special education or reading
14 must require that:

15 “(A) The program provide instruction on dyslexia and other reading dif-
16 ficulties; and

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

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

21 “(a) Require approved educator preparation programs for early childhood
22 education, elementary education, special education or reading to demonstrate
23 that candidates enrolled in the programs receive training to provide in-
24 struction that enables students to meet or exceed third-grade reading stan-
25 dards and become proficient readers by the end of the third grade, as
26 designated by the State Board of Education. For the purposes of this para-
27 graph, an approved educator preparation program may make the demon-
28 stration through course curriculum, approved textbooks or other program
29 requirements.

30 “(b) Allow approved educator preparation programs leading to graduate

1 degrees to commence prior to the candidate’s completion of baccalaureate
2 degree requirements and to combine undergraduate and graduate level course
3 work in achieving program completion.

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

7 “(4) Nothing in this section is intended to grant to the [*Teacher Stan-*
8 *dards and Practices Commission*] **Department of Education** any authority
9 relating to granting degrees or establishing degree requirements that are
10 within the authority of the Higher Education Coordinating Commission or
11 any of the public universities listed in ORS 352.002, or that are within the
12 authority of the governing board of any private institution of higher educa-
13 tion.

14 **“SECTION 35.** ORS 342.147, as amended by section 8, chapter 756, Oregon
15 Laws 2015, section 2, chapter 317, Oregon Laws 2017, section 9, chapter 518,
16 Oregon Laws 2021, and section 2, chapter 637, Oregon Laws 2021, is amended
17 to read:

18 “342.147. (1) The [*Teacher Standards and Practices Commission*] **State**
19 **Board of Education, taking into consideration recommendations of the**
20 **Teacher Standards and Practices Commission and the Educator Ad-**
21 **vancement Council,** shall establish by rule standards for approval of edu-
22 cator preparation providers and educator preparation programs.

23 “(2) Standards for approval of an educator preparation provider may allow
24 approval of an institution of higher education, a school district in this state,
25 an education service district in this state or any other entity in this state
26 that sponsors or provides an educator preparation program.

27 “(3)(a) Standards for approval of an educator preparation program must
28 include:

29 “(A) Requiring an educator preparation program to be accredited by a
30 national organization that represents teachers, policymakers and teacher

1 educators and that provides accreditation based on nationally recognized
2 standards and on evidence-based measures;

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

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

10 “(i) Uses multiple measures to determine if a candidate’s knowledge, skills
11 and competencies qualify the candidate for a teaching license; and

12 “(ii) Includes at least one measure that is locally determined and adopted
13 by the educator preparation provider, and that is then approved by the
14 [*commission*] **Department of Education**.

15 “(b) Standards for approval of an educator preparation program for early
16 childhood education, elementary education, special education or reading
17 must require that:

18 “(A) The program provide instruction on dyslexia and other reading dif-
19 ficulties; and

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

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

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

27 “(B) A nontraditional pathway to licensure program offered by an educa-
28 tor preparation provider, regardless of whether the educator preparation
29 provider is accredited.

30 “(b) A nontraditional pathway to licensure program shall be considered

1 an approved educator preparation program if the nontraditional pathway to
2 licensure program complies with standards established by the [*commission*]
3 **board, taking into consideration recommendations of the commission**
4 **and the council.** The [*commission*] **board** shall establish standards for
5 nontraditional pathway to licensure programs that:

6 “(A) Are substantially similar to the standards under subsection (3)(a) of
7 this section;

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

11 “(C) Require the proposed nontraditional pathway to licensure program
12 to submit to the [*commission*] **department** a preoperational capacity review
13 from a national accrediting organization that is approved by the
14 [*commission*] **board by rule.**

15 “(c)(A) Nothing in this subsection requires a nontraditional pathway to
16 licensure program to:

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

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

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

22 “(d) An approved educator preparation program that operates provi-
23 sionally as provided by this subsection may not operate provisionally for
24 more than four years from the date that the educator preparation program
25 first received approval to operate provisionally.

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

28 “(a) Require approved educator preparation programs for early childhood
29 education, elementary education, special education or reading to demonstrate
30 that candidates enrolled in the programs receive training to provide in-

1 instruction that enables students to meet or exceed third-grade reading stan-
2 dards and become proficient readers by the end of the third grade, as
3 designated by the State Board of Education. For the purposes of this para-
4 graph, an approved educator preparation program may make the demon-
5 stration through course curriculum, approved textbooks or other program
6 requirements.

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

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

14 “(7) Nothing in this section is intended to grant to the [*Teacher Stan-*
15 *dards and Practices Commission*] **Department of Education** any authority
16 relating to granting degrees or establishing degree requirements that are
17 within the authority of the Higher Education Coordinating Commission or
18 any of the public universities listed in ORS 352.002, or that are within the
19 authority of the governing board of any private institution of higher educa-
20 tion.

21 “**SECTION 36.** Section 9a, chapter 518, Oregon Laws 2021, is amended to
22 read:

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

1 [commission] **board and department** by the amendments to ORS 342.147 by
2 section 9 [of this 2021 Act], **chapter 518, Oregon Laws 2021.**

3 “(2) For the purpose of ensuring that the [Teacher Standards and Prac-
4 tices Commission] **board and department** may exercise, on and after the
5 operative date identified by subsection (1) of this section, all of the duties,
6 functions and powers conferred on the [commission] **board and department**
7 by the amendments to ORS 342.147 by section 9 [of this 2021 Act], **chapter**
8 **518, Oregon Laws 2021**, the [commission] **board and department** shall de-
9 velop and implement a plan for the implementation of the amendments to
10 ORS 342.147 by section 9 [of this 2021 Act], **chapter 518, Oregon Laws 2021,**
11 **as amended by section 35 of this 2023 Act.** The plan must:

12 “(a) Be developed in collaboration with the Educator Advancement
13 Council and the [Department of Education] **Teacher Standards and Prac-**
14 **tices Commission**; and

15 “(b) Prioritize increasing:

16 “(A) Participation by teacher candidates in nontraditional pathway to
17 licensure programs;

18 “(B) Educator diversity; and

19 “(C) Educator retention.

20 “[3] *No later than January 1, 2023, the Teacher Standards and Practices*
21 *Commission, in collaboration with the Educator Advancement Council and the*
22 *Department of Education, shall report to the appropriate interim committees*
23 *of the Legislative Assembly. The report shall address the progress on the plan*
24 *required to be developed and implemented as provided by subsection (2) of this*
25 *section.]*

26 “**SECTION 37.** Section 4, chapter 756, Oregon Laws 2015, as amended by
27 section 10, chapter 756, Oregon 2015, and section 10, chapter 518, Oregon
28 Laws 2021, is amended to read:

29 “**Sec. 4.** (1) The Teacher Education Program Accreditation Account is
30 established in the State Treasury, separate and distinct from the General

1 Fund. Interest earned by the Teacher Education Program Accreditation Ac-
2 count shall be accredited to the account.

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

10 **“SECTION 38.** ORS 342.153 is amended to read:

11 “342.153. (1) Any applicant for a teaching license to provide education to
12 students who are blind, as defined in ORS 343.565, shall be required to dem-
13 onstrate proficiency in reading and writing Braille, as defined in ORS
14 343.565.

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

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

23 **“SECTION 39.** ORS 342.165 is amended to read:

24 “342.165. (1) Pursuant to ORS chapter 183, the Teacher Standards and
25 Practices Commission shall adopt rules necessary for the issuance, denial,
26 continuation, renewal, lapse, revocation, suspension or reinstatement of li-
27 censes or registrations issued **by the Department of Education** under ORS
28 342.120 to 342.430. The commission shall also adopt rules establishing means
29 in addition to those prescribed by law whereby teachers are able to add ad-
30 ditional endorsements to their teaching licenses.

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

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

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

6 “(c) The norms required for the educator assignments;

7 “(d) The improvement of teaching and student learning;

8 “(e) The adequacy of the supply of licensed educators;

9 “(f) The value of experience or nonacademic learning;

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

12 “(h) Other matters that tend to improve education.

13 **“SECTION 40. ORS 342.173 is amended to read:**

14 “342.173. Any school district or education service district that employs
15 any person not properly licensed or registered by the [*Teacher Standards and*
16 *Practices Commission*] **Department of Education**, or licensed by the [*com-*
17 *mission*] **department** but not assigned in accordance with rules of the
18 **Teacher Standards and Practices** Commission, shall be subject to sanc-
19 tions imposed by the commission. A sanction must be imposed according to
20 rules adopted by the commission and is effective unless:

21 “(1) The assignment is made with justification satisfactory to the com-
22 mission.

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

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

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

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

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

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

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

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

10 **“SECTION 41.** ORS 342.175 is amended to read:

11 “342.175. (1) The Teacher Standards and Practices Commission may sus-
12 pend or revoke the license or registration of a [*commission*] **department**
13 licensee, discipline a [*commission*] **department** licensee, or suspend or re-
14 voke the right of any person to apply for a license or registration based on
15 the following:

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

17 “(b) Gross neglect of duty;

18 “(c) Any gross unfitness;

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

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

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

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

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

1 the following:

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

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

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

10 “(3) The commission shall revoke any license or registration and shall
11 revoke the right of any person to apply for a license or registration if the
12 person has been convicted of any crime listed in ORS 342.143 (3).

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

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

23 “(c) The commission **or the department** may require an applicant for
24 reinstatement to furnish evidence satisfactory to the commission **or depart-**
25 **ment** of good moral character, mental and physical health and such other
26 evidence as the commission **or department** may consider necessary to es-
27 tablish the applicant’s fitness. The [*commission*] **department** may impose a
28 probationary period and such conditions as the [*commission*] **department**
29 considers necessary upon approving an application for reinstatement.

30 “(5) The [*commission*] **department** shall reconsider immediately a license

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

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

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

12 “**SECTION 42.** ORS 342.176 is amended to read:

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

20 “(b) Prior to beginning an investigation based on a complaint filed under
21 paragraph (a) of this subsection, the [*commission*] **department** may require
22 verification that attempts were made to resolve the complaint through the
23 complaint process of the school district that employs the person against
24 whom the complaint was filed.

25 “(c) After receiving sufficient verification as provided by paragraph (b)
26 of this subsection, the [*commission*] **department** shall promptly undertake
27 an investigation upon receipt of a complaint or information that may con-
28 stitute grounds for:

29 “(A) Refusal to issue a license or registration, as provided under ORS
30 342.143;

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

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

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

15 “(3) Following completion of the investigation, the [*executive director*]
16 **superintendent** or the [*executive director’s*] **superintendent’s** designee shall
17 report in writing any findings and recommendations to:

18 “(a) The **Teacher Standards and Practices** Commission, meeting in
19 executive session, at its next regular meeting following completion of the
20 investigation; and

21 “(b) The person against whom the charge is made, following consideration
22 by the commission.

23 “(4)(a) Except as provided in paragraph (b) of this subsection, the docu-
24 ments and materials used in the investigation undertaken as provided by this
25 section and the report related to the investigation are confidential and not
26 subject to public inspection unless the commission makes a final determi-
27 nation to:

28 “(A) Refuse to issue a license or registration, as provided under ORS
29 342.143;

30 “(B) Suspend or revoke a license or registration, discipline a

1 [commission] **department** licensee, or suspend or revoke the right to apply
2 for a license or registration, as provided under ORS 342.175; or

3 “(C) Discipline a person for failure to provide appropriate notice prior to
4 resignation, as provided under ORS 342.553.

5 “(b) Records made available to the **department or** commission under ORS
6 419B.035 (1)(h) shall be kept confidential.

7 “(5) If the commission finds from the report that there is sufficient cause
8 to justify holding a hearing under ORS 342.177, the commission shall notify
9 in writing:

10 “(a) The person charged, enclosing a statement of the charges and a no-
11 tice of opportunity for hearing;

12 “(b) The complainant; and

13 “(c) The employing district or public charter school, if any.

14 “(6) If the commission finds from the report that there is not sufficient
15 cause to justify holding a hearing under ORS 342.177, the commission shall
16 notify in writing:

17 “(a) The person charged;

18 “(b) The complainant; and

19 “(c) The employing district or public charter school, if any.

20 “(7) Notwithstanding ORS 192.660 (6), the commission may make its
21 findings under this section in executive session. However, the provisions of
22 ORS 192.660 (4) apply to the sessions.

23 **“SECTION 43.** ORS 342.177 is amended to read:

24 “342.177. (1)(a) Hearings under ORS 339.390 and 342.176 shall be conducted
25 by an administrative law judge assigned from the Office of Administrative
26 Hearings established under ORS 183.605.

27 “(b) Any hearing conducted under this section shall be private unless the
28 person against whom the charge is made requests a public hearing. Students
29 attending school in the employing district may not attend any hearing except
30 as witnesses duly subpoenaed to testify with respect to the charges made.

1 Students attending a public charter school that employs the person may not
2 attend any hearing except as witnesses duly subpoenaed to testify with re-
3 spect to the charges made. The person charged shall have the right to be
4 represented by counsel and to present evidence and argument. The evidence
5 must be confined to the charges.

6 “(2) The Teacher Standards and Practices Commission or the person
7 charged may have subpoenas issued to compel attendance at the hearing. The
8 person charged may have subpoenas issued by an attorney of record sub-
9 scribed by the signature of the attorney or by [*the executive director of the*
10 *Teacher Standards and Practices Commission*] **the Superintendent of Pub-**
11 **lic Instruction.** Witnesses appearing pursuant to subpoena, other than the
12 parties or officers or employees of the commission, shall receive fees and
13 mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission
14 or the person charged shall have the right to compel the attendance and
15 obedience of witnesses in the same manner as provided under ORS 183.440
16 (2).

17 “(3) The commission shall render its decision at its next regular meeting
18 following the hearing. If the decision of the commission is that the charge
19 described in ORS 342.175 (1) has been proven, the commission may take any
20 or all of the following disciplinary action against the person charged:

21 “(a) Issue a public reprimand.

22 “(b) Place the person on probation for a period not to exceed four years
23 and subject to such conditions as the commission considers necessary.

24 “(c) Suspend the license or registration of the teacher or administrator
25 for a period not to exceed one year.

26 “(d) Revoke the license or registration of the teacher or administrator.

27 “(e) Revoke the right to apply for a license or registration.

28 “(4) If the decision of the commission is that the charge is not proven, the
29 commission shall order the charges dismissed.

30 “(5) The commission shall notify in writing the person charged and the

1 employing district or public charter school of the decision.

2 **“SECTION 44.** ORS 342.183 is amended to read:

3 “342.183. (1) The Teacher Standards and Practices Commission may issue
4 a letter of informal reproof to a person licensed, registered or certified by
5 the [*commission*] **Department of Education** if:

6 “(a) Following the completion of an investigation **by the department,**
7 the commission determines that the person has engaged in conduct that af-
8 fects the person’s ability to be professionally effective, based on standards
9 adopted by the commission by rule; and

10 “(b) Subject to subsection (5) of this section, the commission agrees not
11 to pursue disciplinary action against the person under ORS 342.175 and the
12 person agrees to the terms of the letter of informal reproof, including a
13 monitoring period.

14 “(2) A letter of informal reproof issued as provided by subsection (1) of
15 this section shall establish the terms of a monitoring period for the person
16 to whom the letter is issued.

17 “(3) Upon the issuance of a letter of informal reproof, the commission
18 shall notify the employer of the person to whom the letter is issued, includ-
19 ing any terms of the letter that the employer may need to know to assist the
20 person in complying with the terms of the letter.

21 “(4) A letter of informal reproof issued as provided by subsection (1) of
22 this section:

23 “(a) Is confidential; and

24 “(b) Except when a disciplinary action is taken as provided in subsection
25 (5) of this section, may not be posted on an interstate clearinghouse related
26 to educator license sanctions.

27 “(5) If a person fails to comply with the terms of a letter of informal re-
28 proof, the commission may take disciplinary action against the person based
29 on one or both of the following:

30 “(a) The conduct underlying the letter of informal reproof; or

1 “(b) The failure to comply with the terms of the letter of informal re-
2 proval.

3 “(6) If [*the executive director of the Teacher Standards and Practices*
4 *Commission*] **the Superintendent of Public Instruction** determines that a
5 person failed to meet the terms of a letter of informal reproval, the [*executive*
6 *director*] **superintendent** shall report the failure to the commission for the
7 commission to make a final determination pursuant to ORS 339.390 or
8 342.176.

9 “(7) The documents and materials used in an investigation for the pur-
10 poses of this section are confidential and are not subject to public inspection
11 unless the commission makes a final determination to discipline the person
12 pursuant to ORS 342.175.

13 **“SECTION 45.** ORS 342.192 is amended to read:

14 “342.192. (1) The [*Teacher Standards and Practices Commission*] **Depart-**
15 **ment of Education** may issue a license to an out-of-state applicant if the
16 applicant has met the professional requirements established by rule by the
17 **Teacher Standards and Practices** Commission and has completed a course
18 of study that is acceptable to the [*commission*] **Department of Education.**

19 “(2) Applicants granted licenses under this section shall be required to
20 meet all standards required of Oregon teachers, including the requirements
21 of ORS 342.123, not later than two years following the date of initial grant-
22 ing of the license.

23 **“SECTION 46.** ORS 342.195 is amended to read:

24 “342.195. (1) An otherwise qualified applicant for a preliminary teaching
25 license shall be granted the license upon payment of the required fees and
26 the showing by proof satisfactory to the [*Teacher Standards and Practices*
27 *Commission*] **Department of Education** that:

28 “(a) While the applicant was in the Peace Corps program or was a vol-
29 unteer under section 603 of the Economic Opportunity Act of 1964 (Public
30 Law 88-452), the applicant:

1 “(A) Completed two years of satisfactory service that emphasized teaching
2 in any preprimary program or in any grade 1 through 12 in subjects regularly
3 taught in public schools; and

4 “(B)(i) Has completed an approved educator preparation program; or

5 “(ii) Has earned at least a baccalaureate degree from an accredited insti-
6 tution of higher education and has completed a teacher training program
7 provided under the auspices of the federal program; or

8 “(b) The applicant was a certified instructor for the Armed Forces of the
9 United States, if the applicant provides the [commission] **department** with
10 documentation of military training or experience that the [commission] **de-**
11 **partment** determines is substantially equivalent to the training required for
12 a preliminary teaching license.

13 “(2)(a) The **Teacher Standards and Practices** Commission shall estab-
14 lish by rule an expedited process by which a military spouse or domestic
15 partner who is licensed to teach in another state may apply for and obtain
16 a teaching license.

17 “(b) As used in this subsection, ‘military spouse or domestic partner’
18 means a spouse or domestic partner of an active member of the Armed Forces
19 of the United States who is the subject of a military transfer to Oregon.

20 “**SECTION 47.** ORS 342.200 is amended to read:

21 “342.200. In order to allow the school districts of the state to take full
22 advantage of various professional skills and disciplines not directly devel-
23 oped through teaching experience or professional education for which
24 teaching experience is a prerequisite, it is the public policy of the State of
25 Oregon that the [*Teacher Standards and Practices Commission*] **Department**
26 **of Education**, when considering an applicant for an administrative license,
27 shall consider professional skills, education and experience not directly re-
28 lated to, nor contingent upon, teaching experience or training as a classroom
29 teacher.

30 “**SECTION 48.** ORS 342.202 is amended to read:

1 “342.202. (1) The Department of Education, in partnership with the
2 Teacher Standards and Practices Commission, shall create a comprehensive
3 leadership development system for administrators licensed under ORS
4 342.125.

5 “(2) The comprehensive leadership development system must include:

6 “(a) A cost-effective plan that requires the coordination of public and
7 private organizations and resources to:

8 “(A) Improve the success of this state’s highest needs students;

9 “(B) Provide research and technical assistance to schools seeking to adopt
10 or enhance evidence-based leadership practices;

11 “(C) Recruit underrepresented persons into the field of public school
12 leadership; and

13 “(D) Strengthen the capacity of administrators to improve education in
14 public schools in this state;

15 “(b) A plan for collaboration and continuous improvement among admin-
16 istrator preparation programs approved by the [*Teacher Standards and*
17 *Practices Commission*] **department** to support performance-based assess-
18 ments for administrators and candidates for administrative licensure;

19 “(c) A plan for recruitment of underrepresented persons into administra-
20 tor leadership programs;

21 “(d) The improvement of access to high quality preparation and profes-
22 sional development for administrators working in rural school districts;

23 “(e) A method for disseminating evidence-based practices to support the
24 development of effective principals and teachers; and

25 “(f) A method for providing research and technical assistance to school
26 districts to encourage the placement of the most highly effective teachers in
27 the highest need schools.

28 “**SECTION 49.** ORS 342.203 is amended to read:

29 “342.203. (1) The [*Teacher Standards and Practices Commission*] **Depart-**
30 **ment of Education** shall regularly publish information online that can be

1 accessed by school districts, public charter schools and education service
2 districts and that includes the following:

3 “(a) All teachers and administrators whose teaching or administrative li-
4 censes have been suspended or revoked or who have been reprimanded or
5 placed on probation during the preceding 12 months.

6 “(b) All candidates enrolled in approved educator preparation programs
7 under ORS 342.147 whose right to apply for a license or registration has been
8 suspended or revoked during the preceding 12 months.

9 “(2) If the decision of the **Teacher Standards and Practices** Commission
10 is appealed under ORS 342.180, the name of the teacher, administrator or
11 candidate shall not be published online under subsection (1) of this section
12 unless and until such decision has been sustained by the Court of Appeals
13 or until the appeal has been dropped.

14 “**SECTION 50.** ORS 342.223 is amended to read:

15 “342.223. (1) For the purpose of requesting a state or nationwide criminal
16 records check under ORS 181A.195, the [*Teacher Standards and Practices*
17 *Commission*] **Department of Education** may require the fingerprints of:

18 “(a) A person who is applying for a license or registration under ORS
19 342.120 to 342.430 as a teacher, administrator or personnel specialist if the
20 person has not submitted to a criminal records check by the [*commission*]
21 **department** within the previous three years or has remained continuously
22 licensed by or registered with the [*commission*] **department** for a different
23 license or registration for which the person already has submitted to a
24 criminal records check by the [*commission*] **department**.

25 “(b) A person who is applying for reinstatement of a license or registra-
26 tion as a teacher, administrator or personnel specialist, or a certificate as
27 a school nurse, whose license, registration or certificate has lapsed for at
28 least three years.

29 “(c) A person who is applying for a certificate under ORS 342.475 as a
30 school nurse.

1 “(d) A person who is registering with the [commission] **department** for
2 supervised clinical practice experience, practicum or internship as a teacher,
3 administrator or personnel specialist, if the person does not hold a current
4 license issued by the [commission] **department** and has not submitted to a
5 criminal records check by the [commission] **department** within the previous
6 three years for student teaching, practicum or internship as a teacher, ad-
7 ministrator or personnel specialist.

8 “(e) A person who is applying for a registration as a public charter school
9 teacher or administrator under ORS 342.125.

10 “(2) The making of any false statement as to the conviction of a crime is
11 grounds for refusal to issue, renew or reinstate a license, certificate or reg-
12 istration and is in addition to the grounds stated in ORS 342.143.

13 “(3) A person may appeal the refusal to issue a license, registration or
14 certificate under this section as a contested case under ORS 183.413 to
15 183.470, but the refusal to renew or reinstate a license or registration is
16 subject to ORS 342.175 to 342.180, and the [commission] **department** shall
17 notify the person of the right to appeal.

18 “**SECTION 51.** ORS 342.390 is amended to read:

19 “342.390. (1) The Teacher Standards and Practices Commission shall meet
20 at least once every six months at a place, day and hour determined by the
21 commission. The commission shall also meet at such other times and places
22 as are specified by the call of the chairperson or of a majority of the mem-
23 bers of the commission or as required by [*the executive director of the Teacher*
24 *Standards and Practices Commission*] **the Superintendent of Public In-**
25 **struction** for the purposes of ORS 339.390.

26 “(2) A member of the commission who is employed at a public school or
27 by a private educator preparation provider or by a public university listed
28 in ORS 352.002:

29 “(a) May not receive compensation for services as a member.

30 “(b) Shall receive actual and necessary travel and other expenses incurred

1 in the performance of official duties as provided by ORS 292.495 (2) and
2 subject to any other applicable law regulating travel and other expenses for
3 state officers.

4 “(3) A member of the commission who serves on the commission in the
5 capacity of a district school board member or as a member of the general
6 public shall be entitled to compensation and expenses as provided in ORS
7 292.495 (1) and (2).

8 **“SECTION 52.** ORS 342.420 is amended to read:

9 “342.420. (1) Membership on the Teacher Standards and Practices Com-
10 mission shall not affect a member’s compensation from the employer of the
11 member or any other benefits to which the member is entitled.

12 “(2) A school district required to employ a substitute for a teacher or
13 administrator who is absent from employment while performing duties as a
14 member of the Teacher Standards and Practices Commission shall be entitled
15 to reimbursement for the district’s actual expenses in employing the substi-
16 tute. [*Reimbursement for the expense of employing such substitutes shall be*
17 *made by the commission from the Teacher Standards and Practices Commis-*
18 *sion Account.*]

19 **“SECTION 53.** ORS 342.425 is amended to read:

20 “342.425. (1) The [*executive director of the Teacher Standards and Practices*
21 *Commission*] **Superintendent of Public Instruction, in collaboration with**
22 **the Teacher Standards and Practices Commission and the Educator**
23 **Advancement Council,** shall prepare an annual report related to the [*du-*
24 *ties, powers and functions of the commission*] **educator workforce of this**
25 **state.**

26 “(2) The report required by this section must include:

27 “(a) The number of teaching licenses and administrative licenses that
28 have been issued during the previous year.

29 “(b) Trends related to the number of licenses issued and types of licenses
30 issued during the previous year as compared to earlier years.

1 “(c) Trends related to sanctions imposed on licensees during the previous
2 year as compared to earlier years.

3 “(d) A summary of activities occurring during the previous year related
4 to educator preparation programs, including changes made to requirements
5 for approved educator preparation providers, and the status of each educator
6 preparation program in this state.

7 “(e) A summary of significant changes to rules during the previous year
8 and other efforts by the **Department of Education**, commission or council
9 during the previous year to implement statutes.

10 “(f) A summary of placement of students in educator preparation pro-
11 grams, completion rates for students in educator preparation programs and
12 recommendations for improving teacher preparation programs.

13 “(3) The report required by this section must be submitted to the appro-
14 priate committees or interim committees of the Legislative Assembly no later
15 than July 1 of every year.

16 “**SECTION 54.** ORS 342.430 is amended to read:

17 “342.430. (1) **The Teacher Licensure Account is established in the**
18 **State Treasury, separate and distinct from the General Fund. Interest**
19 **earned by the account shall be credited to the account.**

20 (2) On or before the 10th day of each month, the [*Teacher Standards and*
21 *Practices Commission*] **Department of Education** shall pay into the [*State*
22 *Treasury*] **Teacher Licensure Account** all moneys received under this
23 chapter. [*The State Treasurer shall credit the moneys to the Teacher Stan-*
24 *dards and Practices Commission Account.*] The moneys in the [*Teacher*
25 *Standards and Practices Commission Account*] **Teacher Licensure Account**
26 are continuously appropriated to the [*commission*] **department** for the pur-
27 pose of paying [*its*] administrative expenses **incurred under this chapter.**

28 “**SECTION 55.** ORS 342.443 is amended to read:

29 “342.443. (1) The Education and Workforce Policy Advisor shall report
30 biennially to the Legislative Assembly longitudinal data on the number and

1 percentage of:

2 “(a) Diverse students enrolled in community colleges;

3 “(b) Diverse students enrolled in public universities;

4 “(c) Diverse students graduated from public universities;

5 “(d) Diverse candidates enrolled in public approved educator preparation
6 programs;

7 “(e) Diverse candidates who have completed public approved educator
8 preparation programs;

9 “(f) Diverse candidates receiving Oregon teaching or administrative li-
10 censes or registrations based on preparation in this state and preparation in
11 other states;

12 “(g) Diverse educators who are newly employed in the public schools in
13 this state; and

14 “(h) Diverse educators already employed in the public schools.

15 “(2) The advisor also shall report comparisons of scores achieved by di-
16 verse persons and nondiverse persons on basic skills, pedagogy and subject
17 matter tests.

18 “(3) The Higher Education Coordinating Commission, the public univer-
19 sities listed in ORS 352.002, the Department of Education, the Teacher
20 Standards and Practices Commission, **the Educator Advancement**
21 **Council**, community colleges and school districts shall cooperate with the
22 advisor in collecting data and preparing the report.

23 **“SECTION 56.** ORS 342.455 is amended to read:

24 “342.455. ‘School nurse’ as used in ORS 342.465 and 342.475, means a reg-
25 istered nurse who is certified by the [*Teacher Standards and Practices Com-*
26 *mission*] **Department of Education** as qualified to conduct and coordinate
27 the health services programs of a school.

28 **“SECTION 57.** ORS 342.475 is amended to read:

29 “342.475. (1) ‘School nurse’ is established as a category of specialization
30 in nursing.

1 “(2) The [*Teacher Standards and Practices Commission*] **Department of**
2 **Education** shall issue a certificate as a school nurse to a person who com-
3 plies with the rules established by the **Teacher Standards and Practices**
4 **Commission** for the certification and practice of school nursing and who has
5 been licensed by the Oregon State Board of Nursing. In establishing rules
6 for the certification and practice of any specialization of school nursing, the
7 commission shall consider the recommendations of the Oregon State Board
8 of Nursing.

9 “(3) The [*commission*] **department** may issue an emergency certificate
10 that authorizes a person licensed as a registered nurse in this state who does
11 not meet the requirements of subsection (2) of this section to practice as a
12 school nurse. Such certificates shall be issued for a limited time as set by
13 the commission.

14 “(4) Notwithstanding subsections (1) to (3) of this section, the
15 [*commission*] **department** shall issue a certificate in a school nurse special-
16 ization category to a registered nurse who applies for certification and who
17 is employed by a school, school district or education service district to con-
18 duct and coordinate a school or district health services program or who
19 serves in such a capacity on a voluntary basis on November 1, 1981. A cer-
20 tificate issued under this subsection shall be issued without further proof of
21 qualification by the applicant.

22 “(5) A certificate issued under this section is not a teaching license. The
23 nurse holding a certificate issued under this section is not subject to ORS
24 238.280 or 342.805 to 342.937.

25 “**SECTION 58.** ORS 342.485 is amended to read:

26 “342.485. The Teacher Standards and Practices Commission **and the De-**
27 **partment of Education** shall consult with and advise the Oregon State
28 Board of Nursing on the qualifications and practices involved in school
29 nursing.

30 “**SECTION 59.** ORS 342.553 is amended to read:

1 “342.553. (1) Upon notice from a district school board of the resignation
2 of a person who is licensed by or registered with the [*Teacher Standards and*
3 *Practices Commission*] **Department of Education**, the **Teacher Standards**
4 **and Practices** Commission may discipline the person if the person entered
5 into a written contract to work in a public school and resigned the position
6 without first providing 60 days’ written notice, or the notice required in the
7 applicable collective bargaining agreement, to the district superintendent or
8 the school board.

9 “(2) In disciplining a person as provided under this section, the commis-
10 sion shall follow the procedure set forth in ORS 342.175 (4), 342.176 and
11 342.177.

12 **“SECTION 60.** ORS 342.856 is amended to read:

13 “342.856. (1) The State Board of Education, in consultation with the
14 Teacher Standards and Practices Commission **and the Educator Advance-**
15 **ment Council**, shall adopt core teaching standards to improve student aca-
16 demic growth and learning by:

17 “(a) Assisting school districts in determining the effectiveness of teachers
18 and administrators and in making human resource decisions; and

19 “(b) Improving the professional development and the classroom and ad-
20 ministrative practices of teachers and administrators.

21 “(2) The core teaching standards adopted under this section must:

22 “(a) Take into consideration multiple measures of teacher effectiveness,
23 based on widely accepted standards of teaching that encompass a range of
24 appropriate teaching behaviors and that use multiple evaluation methods;

25 “(b) Take into consideration evidence of student academic growth and
26 learning based on multiple measures of student progress, including perform-
27 ance data of students, schools and school districts;

28 “(c) Be research-based;

29 “(d) Be separately developed for teachers and administrators; and

30 “(e) Be able to be customized for each school district, which may include

1 individualized weighting and application of standards.

2 “(3) The core teaching standards adopted under this section must attempt
3 to:

4 “(a) Strengthen the knowledge, skills, disposition and classroom and ad-
5 ministrative practices of teachers and administrators in public schools;

6 “(b) Refine the support, assistance and professional growth opportunities
7 offered to a teacher or an administrator, based on the individual needs of the
8 teacher or administrator and the needs of the students, the school and the
9 school district of the teacher or administrator;

10 “(c) Allow each teacher or administrator to establish a set of classroom
11 or administrative practices and student learning objectives that are based
12 on the individual circumstances of the teacher or administrator, including
13 the classroom or other assignments of the teacher or administrator;

14 “(d) Establish a formative growth process for each teacher and adminis-
15 trator that supports professional learning and collaboration with other
16 teachers and administrators; and

17 “(e) Use evaluation methods and professional development, support and
18 other activities that are based on curricular standards and that are targeted
19 to the needs of each teacher and administrator.

20 “(4) A school district board must include the core teaching standards
21 adopted under this section for all evaluations of teachers and administrators
22 of the school district. The standards shall be customized based on the
23 collaborative efforts of the teachers and administrators of the school district
24 and the exclusive bargaining representative of the employees of the school
25 district.

26 “**SECTION 61.** ORS 342.940 is amended to read:

27 “342.940. (1) As used in this section and ORS 342.943, ‘educator’ means a
28 teacher, administrator or other school professional who is licensed, regis-
29 tered or certified by the [*Teacher Standards and Practices Commission.*] **De-**
30 **partment of Education.**

1 “(2) *[The Educator Advancement Council shall be established and function*
2 *under an intergovernmental agreement, pursuant to ORS 190.003 to 190.130.]*
3 **The Department of Education shall establish the Educator Advance-**
4 **ment Council.** The purposes of the council are to provide resources **and**
5 **advice** related to educator professional learning and to provide other edu-
6 cator supports.

7 “[*(3) Parties to the intergovernmental agreement establishing the council*
8 *must include:*]

9 “[*(a) The Department of Education;*]

10 “[*(b) The Early Learning Division;*]

11 **“(3) In fulfilling the purposes of the council, the council shall con-**
12 **sult with:**

13 **“(a) The Department of Early Learning and Care;**

14 “[*(c)*] **(b) The Teacher Standards and Practices Commission;**

15 “[*(d)*] **(c) The Higher Education Coordinating Commission;**

16 “[*(e) A school district; and*]

17 “[*(f) An education service district.*]

18 **“(d) School districts; and**

19 **“(e) Education service districts.**

20 “(4) The [*intergovernmental agreement establishing the*] council shall out-
21 line the governance framework and the administrative details necessary for
22 the efficient and effective implementation of the duties of the council, in-
23 cluding:

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

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

28 “[*(c) Identifying the process for the council to appoint the executive director*
29 *of the council. Appointment of the executive director must be by written order,*
30 *filed with the Secretary of State, and the executive director shall serve at the*

1 *pleasure of the council. The executive director shall be responsible for the daily*
2 *operations of the council, including the appointment of all subordinate officers*
3 *and employees of the council. Officers and employees of the council shall be*
4 *considered persons in state service for purposes of ORS chapter 240, and,*
5 *subject to ORS chapter 240, the executive director shall prescribe their duties*
6 *and fix their compensation.]*

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

8 “[*(A) Members who are representatives of the parties to the intergovern-*
9 *mental agreement establishing the council, as identified in subsection (3) of*
10 *this section.*]

11 “[*(B)*] **(A)** No more than 10 members who are practicing educators, early
12 learning providers and professionals and school district board members.

13 “[*(C)*] **(B)** No more than 10 members who are representatives of educator
14 preparation providers, education-focused nonprofit organizations, education-
15 focused philanthropic organizations, professional education associations,
16 community-based education organizations that represent families and stu-
17 dents, post-secondary institutions of education and federally recognized In-
18 dian tribes of this state.

19 “(b) Subject to any limits designated [*as provided by the intergovernmental*
20 *agreement establishing*] **by** the council, the majority of the members of the
21 council [*identified under paragraph (a) of this subsection*] may propose addi-
22 tional members of the council. The inclusion of additional members on the
23 council shall be subject to the procedures established by the council [*under*
24 *the intergovernmental agreement*].

25 “(6) The council shall:

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

29 “(b) Coordinate the distribution of moneys to educator networks from the
30 Educator Advancement Fund based on the needs of the educators identified

1 by the networks;

2 “(c) Connect educator networks and facilitate communications within and
3 among the networks to improve teaching and learning; and

4 “(d) Continuously assess the needs of educators in this state and coordi-
5 nate priorities based on the moneys available for distribution from the Edu-
6 cator Advancement Fund.

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

9 “(a) Conducting and coordinating research to monitor:

10 “(A) Teaching and learning conditions;

11 “(B) Educator workforce supply and demand; and

12 “(C) Common outcomes and measures anticipated to promote improvement
13 in teaching and learning.

14 “(b) Assisting the council in coordinating and connecting educator net-
15 works, supporting professional learning priorities, enabling access to profes-
16 sional learning and supports, leveraging funding sources and managing
17 innovation funds.

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

20 “(d) Supporting programs that help to achieve the purposes of the Edu-
21 cators Equity Act.

22 “(e) Supporting a statewide plan for increasing:

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

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

26 “(f) Identifying high-leverage educator practices to be developed by edu-
27 cators throughout their careers.

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

29 “(A) Gives preference, when making recommendations about funding dis-
30 tributions, to entities that have demonstrated success in improving student

1 indicators.

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

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

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

8 “(h) Providing staff support for the administrative functions of the coun-
9 cil.

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

12 “(j) Providing technical assistance to the council, including online sys-
13 tems for sharing professional learning resources and supporting educator
14 networks.

15 “(k) Administering the distribution of grant and contract funds for pro-
16 grams described in this section.

17 “(L) Providing administrative support to the educator networks, includ-
18 ing:

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

21 “(B) Providing technical assistance to educator networks; and

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

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

28 “(b) The council may adopt rules pursuant to ORS chapter 183 for the
29 purpose of ORS 342.943.

30 “(9) The council shall be considered a board for purposes of ORS chapter

1 180.

2 **“SECTION 62.** ORS 342.971 is amended to read:

3 “342.971. (1) There is created the Educator Preparation Improvement
4 Fund, separate and distinct from the General Fund. Interest earned on
5 moneys in the Educator Preparation Improvement Fund shall be credited to
6 the fund.

7 “(2) The [*Teacher Standards and Practices Commission*] **Department of**
8 **Education or the Educator Advancement Council** may accept from any
9 source any grant, donation or gift of money or other valuable thing made to
10 the [*commission*] **department or council** for purposes of the Educator
11 Preparation Improvement Fund.

12 “(3) Moneys credited to the Educator Preparation Improvement Fund are
13 continuously appropriated to the [*commission*] **department** for the purposes
14 set forth in subsection (4) of this section. The [*commission*] **department** may
15 draw checks or orders upon the State Treasurer in making disbursements
16 from the Educator Preparation Improvement Fund for the purposes set forth
17 in subsection (4) of this section.

18 “(4) The purpose of the Educator Preparation Improvement Fund is to
19 encourage approved educator preparation programs and school district part-
20 nerships that:

21 “(a) Respond to changes in education of students in preprimary programs
22 and grades 1 through 12;

23 “(b) Encourage collaboration around delivery models that provide effec-
24 tive professional preparation;

25 “(c) Recognize the needs of the education workforce in this state, includ-
26 ing but not limited to recruiting underrepresented persons, teachers and ad-
27 ministrators to work in high needs areas such as special education,
28 mathematics, science and teaching English to speakers of other languages;

29 “(d) Encourage collaborative initiatives that improve student success and
30 postsecondary access and achievement; and

1 “(e) Respond to the need for national accreditation of approved educator
2 preparation programs in this state.

3 **“SECTION 63.** ORS 344.059 is amended to read:

4 “344.059. The Department of Education shall advance the policy on career
5 and technical education described in ORS 344.055 by:

6 “(1) Administering the distribution of grants or entering into contracts
7 for the purpose of expanding teacher training programs related to career and
8 technical education that can lead to high wage and high demand jobs. Grants
9 awarded, or contracts entered into, under this subsection may be funded with
10 moneys available under ORS 327.372 and must:

11 “(a) Not exceed \$250,000 per grant or contract;

12 “(b) Be awarded to, or be entered with, an educator preparation program
13 or an educator preparation provider, regardless of whether courses are of-
14 fered in a traditional setting, by an alternative delivery method or by an
15 alternative time frame;

16 “(c) Be awarded or entered into for an educator preparation program that
17 has a plan for recruiting students to the program;

18 “(d) Be used to develop and provide coursework that:

19 “(A) Qualifies for credit or as professional development and that satisfies
20 licensure or endorsement requirements; and

21 “(B) Is provided in a broad group of instructional areas that are grouped
22 to give context for academic, technical and career learning; and

23 “(e) To the extent practicable, align with grant distribution requirements
24 of the Career and Technical Education Revitalization Grant Program de-
25 scribed in ORS 344.075.

26 “(2) Developing and supporting the infrastructure for an online system
27 that is accessible statewide and that delivers courses and professional de-
28 velopment to teachers of career and technical education. For the purpose of
29 this subsection, the department may retain up to eight percent of the moneys
30 available to the department under this section.

1 “(3) Collaborating with the Teacher Standards and Practices Commission
2 **and the Educator Advancement Council** to:

3 “(a) Enable experts in trade or industry to become teachers of career and
4 technical education;

5 “(b) Coordinate communications about career and technical education,
6 including communications:

7 “(A) Intended to identify potential teachers of career and technical edu-
8 cation from trade or industry;

9 “(B) With experts in trades or industry about the requirements for tran-
10 sitioning from employment in a trade or an industry to teaching; and

11 “(C) With educator preparation programs and educator preparation pro-
12 viders about teaching opportunities related to career and technical educa-
13 tion; and

14 “(c) Review statutes and rules for necessary changes and to review and
15 recommend alternative methods to increase available funding options.

16 “(4) Developing and maintaining the website described in ORS 344.141.

17 **“SECTION 64.** ORS 344.062 is amended to read:

18 “344.062. The [*Teacher Standards and Practices Commission*] **Educator**
19 **Advancement Council** shall advance the policy on career and technical
20 education described in ORS 344.055 by:

21 “(1) Establishing and regularly updating the requirements for [*a teacher*]
22 **an educator** preparation program for prospective career and technical edu-
23 cation teachers with trade or industry experience. The requirements must:

24 “(a) Identify a minimum number of required credit hours for a program;
25 and

26 “(b) Be established and regularly updated based on consultations with
27 relevant trade or industry stakeholders, **the Teacher Standards and**
28 **Practices Commission**, the Department of Education and the Higher Edu-
29 cation Coordinating Commission.

30 “(2) Collaborating with the Department of Education **and the Teacher**

1 **Standards and Practices Commission** to:

2 “(a) Enable experts in trade or industry to become teachers of career and
3 technical education, which may be accomplished through a limited license
4 or alternative requirements for licensure;

5 “(b) Coordinate communications about career and technical education, as
6 described in ORS 344.059 (3)(b); and

7 “(c) Review statutes and rules for necessary changes and to review and
8 recommend alternative methods to increase available funding options.

9 **“SECTION 65.** ORS 419B.005, as amended by section 8, chapter 90,
10 Oregon Laws 2022, is amended to read:

11 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
12 quires otherwise:

13 “(1)(a) ‘Abuse’ means:

14 “(A) Any assault, as defined in ORS chapter 163, of a child and any
15 physical injury to a child which has been caused by other than accidental
16 means, including any injury which appears to be at variance with the ex-
17 planation given of the injury.

18 “(B) Any mental injury to a child, which shall include only observable
19 and substantial impairment of the child’s mental or psychological ability to
20 function caused by cruelty to the child, with due regard to the culture of the
21 child.

22 “(C) Rape of a child, which includes but is not limited to rape, sodomy,
23 unlawful sexual penetration and incest, as those acts are described in ORS
24 chapter 163.

25 “(D) Sexual abuse, as described in ORS chapter 163.

26 “(E) Sexual exploitation, including but not limited to:

27 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
28 chapter 163, and any other conduct which allows, employs, authorizes, per-
29 mits, induces or encourages a child to engage in the performing for people
30 to observe or the photographing, filming, tape recording or other exhibition

1 which, in whole or in part, depicts sexual conduct or contact, as defined in
2 ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving
3 a child or rape of a child, but not including any conduct which is part of
4 any investigation conducted pursuant to ORS 419B.020 or which is designed
5 to serve educational or other legitimate purposes; and

6 “(ii) Allowing, permitting, encouraging or hiring a child to engage in
7 prostitution as described in ORS 167.007 or a commercial sex act as defined
8 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
9 or to engage in commercial sexual solicitation as described in ORS 167.008.

10 “(F) Negligent treatment or maltreatment of a child, including but not
11 limited to the failure to provide adequate food, clothing, shelter or medical
12 care that is likely to endanger the health or welfare of the child.

13 “(G) Threatened harm to a child, which means subjecting a child to a
14 substantial risk of harm to the child’s health or welfare.

15 “(H) Buying or selling a person under 18 years of age as described in ORS
16 163.537.

17 “(I) Permitting a person under 18 years of age to enter or remain in or
18 upon premises where methamphetamines are being manufactured.

19 “(J) Unlawful exposure to a controlled substance, as defined in ORS
20 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
21 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
22 the child’s health or safety.

23 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline
24 results in one of the conditions described in paragraph (a) of this subsection.

25 “(2) ‘Child’ means an unmarried person who:

26 “(a) Is under 18 years of age; or

27 “(b) Is under 21 years of age and residing in or receiving care or services
28 at a child-caring agency as that term is defined in ORS 418.205.

29 “(3) ‘Higher education institution’ means:

30 “(a) A community college as defined in ORS 341.005;

1 “(b) A public university listed in ORS 352.002;
2 “(c) The Oregon Health and Science University; and
3 “(d) A private institution of higher education located in Oregon.
4 “(4)(a) ‘Investigation’ means a detailed inquiry into or assessment of the
5 safety of a child alleged to have experienced abuse.
6 “(b) ‘Investigation’ does not include screening activities conducted upon
7 the receipt of a report.
8 “(5) ‘Law enforcement agency’ means:
9 “(a) A city or municipal police department.
10 “(b) A county sheriff’s office.
11 “(c) The Oregon State Police.
12 “(d) A police department established by a university under ORS 352.121
13 or 353.125.
14 “(e) A county juvenile department.
15 “(6) ‘Public or private official’ means:
16 “(a) Physician or physician assistant licensed under ORS chapter 677 or
17 naturopathic physician, including any intern or resident.
18 “(b) Dentist.
19 “(c) School employee, including an employee of a higher education insti-
20 tution.
21 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
22 aide, home health aide or employee of an in-home health service.
23 “(e) Employee of the Department of Human Services, Oregon Health Au-
24 thority, Early Learning Division, Department of Education, Youth Develop-
25 ment Division, Office of Child Care, the Oregon Youth Authority, a local
26 health department, a community mental health program, a community de-
27 velopmental disabilities program, a county juvenile department, a child-
28 caring agency as that term is defined in ORS 418.205 or an alcohol and drug
29 treatment program.
30 “(f) Peace officer.

- 1 “(g) Psychologist.
- 2 “(h) Member of the clergy.
- 3 “(i) Regulated social worker.
- 4 “(j) Optometrist.
- 5 “(k) Chiropractor.
- 6 “(L) Certified provider of foster care, or an employee thereof.
- 7 “(m) Attorney.
- 8 “(n) Licensed professional counselor.
- 9 “(o) Licensed marriage and family therapist.
- 10 “(p) Firefighter or emergency medical services provider.
- 11 “(q) A court appointed special advocate, as defined in ORS 419A.004.
- 12 “(r) A child care provider registered or certified under ORS 329A.030 and
13 329A.250 to 329A.450.
- 14 “(s) An elected official of a branch of government of this state or a state
15 agency, board, commission or department of a branch of government of this
16 state or of a city, county or other political subdivision in this state.
- 17 “(t) Physical, speech or occupational therapist.
- 18 “(u) Audiologist.
- 19 “(v) Speech-language pathologist.
- 20 “[*w*] *Employee of the Teacher Standards and Practices Commission di-*
21 *rectly involved in investigations or discipline by the commission.*]
- 22 “[*x*] **(w)** Pharmacist.
- 23 “[*y*] **(x)** An operator of a preschool recorded program under ORS
24 329A.255.
- 25 “[*z*] **(y)** An operator of a school-age recorded program under ORS
26 329A.255.
- 27 “[*aa*] **(z)** Employee of a private agency or organization facilitating the
28 provision of respite services, as defined in ORS 418.205, for parents pursuant
29 to a properly executed power of attorney under ORS 109.056.
- 30 “[*bb*] **(aa)** An employee of a public or private organization providing

1 child-related services or activities:

2 “(A) Including but not limited to an employee of a:

3 “(i) Youth group or center;

4 “(ii) Scout group or camp;

5 “(iii) Summer or day camp;

6 “(iv) Survival camp; or

7 “(v) Group, center or camp that is operated under the guidance, super-
8 vision or auspices of a religious, public or private educational system or a
9 community service organization; and

10 “(B) Excluding an employee of a qualified victim services program as de-
11 fined in ORS 147.600 that provides confidential, direct services to victims of
12 domestic violence, sexual assault, stalking or human trafficking.

13 “[*cc*] **(bb)** A coach, assistant coach or trainer of an amateur, semipro-
14 fessional or professional athlete, if compensated and if the athlete is a child.

15 “[*dd*] **(cc)** Personal support worker, as defined in ORS 410.600.

16 “[*ee*] **(dd)** Home care worker, as defined in ORS 410.600.

17 “[*ff*] **(ee)** Animal control officer, as defined in ORS 609.500.

18 “[*gg*] **(ff)** Member of a school district board, an education service dis-
19 trict board or a public charter school governing body.

20 “[*hh*] **(gg)** An individual who is paid by a public body, in accordance
21 with ORS 430.215, to provide a service identified in an individualized written
22 service plan of a child with a developmental disability.

23 “[*ii*] **(hh)** Referral agent, as defined in ORS 418.351.

24 “**SECTION 66.** ORS 419B.005, as amended by section 58, chapter 631,
25 Oregon Laws 2021, section 16, chapter 27, Oregon Laws 2022, and section 7,
26 chapter 90, Oregon Laws 2022, is amended to read:

27 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
28 quires otherwise:

29 “(1)(a) ‘Abuse’ means:

30 “(A) Any assault, as defined in ORS chapter 163, of a child and any

1 physical injury to a child which has been caused by other than accidental
2 means, including any injury which appears to be at variance with the ex-
3 planation given of the injury.

4 “(B) Any mental injury to a child, which shall include only observable
5 and substantial impairment of the child’s mental or psychological ability to
6 function caused by cruelty to the child, with due regard to the culture of the
7 child.

8 “(C) Rape of a child, which includes but is not limited to rape, sodomy,
9 unlawful sexual penetration and incest, as those acts are described in ORS
10 chapter 163.

11 “(D) Sexual abuse, as described in ORS chapter 163.

12 “(E) Sexual exploitation, including but not limited to:

13 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
14 chapter 163, and any other conduct which allows, employs, authorizes, per-
15 mits, induces or encourages a child to engage in the performing for people
16 to observe or the photographing, filming, tape recording or other exhibition
17 which, in whole or in part, depicts sexual conduct or contact, as defined in
18 ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving
19 a child or rape of a child, but not including any conduct which is part of
20 any investigation conducted pursuant to ORS 419B.020 or which is designed
21 to serve educational or other legitimate purposes; and

22 “(ii) Allowing, permitting, encouraging or hiring a child to engage in
23 prostitution as described in ORS 167.007 or a commercial sex act as defined
24 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
25 or to engage in commercial sexual solicitation as described in ORS 167.008.

26 “(F) Negligent treatment or maltreatment of a child, including but not
27 limited to the failure to provide adequate food, clothing, shelter or medical
28 care that is likely to endanger the health or welfare of the child.

29 “(G) Threatened harm to a child, which means subjecting a child to a
30 substantial risk of harm to the child’s health or welfare.

1 “(H) Buying or selling a person under 18 years of age as described in ORS
2 163.537.

3 “(I) Permitting a person under 18 years of age to enter or remain in or
4 upon premises where methamphetamines are being manufactured.

5 “(J) Unlawful exposure to a controlled substance, as defined in ORS
6 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
7 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
8 the child’s health or safety.

9 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline
10 results in one of the conditions described in paragraph (a) of this subsection.

11 “(2) ‘Child’ means an unmarried person who:

12 “(a) Is under 18 years of age; or

13 “(b) Is under 21 years of age and residing in or receiving care or services
14 at a child-caring agency as that term is defined in ORS 418.205.

15 “(3) ‘Higher education institution’ means:

16 “(a) A community college as defined in ORS 341.005;

17 “(b) A public university listed in ORS 352.002;

18 “(c) The Oregon Health and Science University; and

19 “(d) A private institution of higher education located in Oregon.

20 “(4)(a) ‘Investigation’ means a detailed inquiry into or assessment of the
21 safety of a child alleged to have experienced abuse.

22 “(b) ‘Investigation’ does not include screening activities conducted upon
23 the receipt of a report.

24 “(5) ‘Law enforcement agency’ means:

25 “(a) A city or municipal police department.

26 “(b) A county sheriff’s office.

27 “(c) The Oregon State Police.

28 “(d) A police department established by a university under ORS 352.121
29 or 353.125.

30 “(e) A county juvenile department.

1 “(6) ‘Public or private official’ means:
2 “(a) Physician or physician assistant licensed under ORS chapter 677 or
3 naturopathic physician, including any intern or resident.
4 “(b) Dentist.
5 “(c) School employee, including an employee of a higher education insti-
6 tution.
7 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
8 aide, home health aide or employee of an in-home health service.
9 “(e) Employee of the Department of Human Services, Oregon Health Au-
10 thority, Department of Early Learning and Care, Department of Education,
11 Youth Development Division, Office of Child Care, the Oregon Youth Au-
12 thority, a local health department, a community mental health program, a
13 community developmental disabilities program, a county juvenile department,
14 a child-caring agency as that term is defined in ORS 418.205 or an alcohol
15 and drug treatment program.
16 “(f) Peace officer.
17 “(g) Psychologist.
18 “(h) Member of the clergy.
19 “(i) Regulated social worker.
20 “(j) Optometrist.
21 “(k) Chiropractor.
22 “(L) Certified provider of foster care, or an employee thereof.
23 “(m) Attorney.
24 “(n) Licensed professional counselor.
25 “(o) Licensed marriage and family therapist.
26 “(p) Firefighter or emergency medical services provider.
27 “(q) A court appointed special advocate, as defined in ORS 419A.004.
28 “(r) A child care provider registered or certified under ORS 329A.250 to
29 329A.450.
30 “(s) An elected official of a branch of government of this state or a state

1 agency, board, commission or department of a branch of government of this
2 state or of a city, county or other political subdivision in this state.

3 “(t) Physical, speech or occupational therapist.

4 “(u) Audiologist.

5 “(v) Speech-language pathologist.

6 “[*w*] *Employee of the Teacher Standards and Practices Commission di-*
7 *rectly involved in investigations or discipline by the commission.*]

8 “[*x*] **(w)** Pharmacist.

9 “[*y*] **(x)** An operator of a preschool recorded program under ORS
10 329A.255.

11 “[*z*] **(y)** An operator of a school-age recorded program under ORS
12 329A.255.

13 “[*aa*] **(z)** Employee of a private agency or organization facilitating the
14 provision of respite services, as defined in ORS 418.205, for parents pursuant
15 to a properly executed power of attorney under ORS 109.056.

16 “[*bb*] **(aa)** An employee of a public or private organization providing
17 child-related services or activities:

18 “(A) Including but not limited to an employee of a:

19 “(i) Youth group or center;

20 “(ii) Scout group or camp;

21 “(iii) Summer or day camp;

22 “(iv) Survival camp; or

23 “(v) Group, center or camp that is operated under the guidance, super-
24 vision or auspices of a religious, public or private educational system or a
25 community service organization; and

26 “(B) Excluding an employee of a qualified victim services program as de-
27 fined in ORS 147.600 that provides confidential, direct services to victims of
28 domestic violence, sexual assault, stalking or human trafficking.

29 “[*cc*] **(bb)** A coach, assistant coach or trainer of an amateur, semipro-
30 fessional or professional athlete, if compensated and if the athlete is a child.

1 “[(*dd*)] **(cc)** Personal support worker, as defined in ORS 410.600.
2 “[(*ee*)] **(dd)** Home care worker, as defined in ORS 410.600.
3 “[(*ff*)] **(ee)** Animal control officer, as defined in ORS 609.500.
4 “[(*gg*)] **(ff)** Member of a school district board, an education service dis-
5 trict board or a public charter school governing body.
6 “[(*hh*)] **(gg)** An individual who is paid by a public body, in accordance
7 with ORS 430.215, to provide a service identified in an individualized written
8 service plan of a child with a developmental disability.
9 “[(*ii*)] **(hh)** Referral agent, as defined in ORS 418.351.
10 “**SECTION 67.** ORS 419B.019 is amended to read:
11 “419B.019. (1) As used in this section:
12 “(a) ‘Agent’ means a person who:
13 “(A) Acts as an agent for an education provider in a manner that requires
14 the person to have direct, unsupervised contact with children; and
15 “(B) Interacts with a child because of the person’s status as an agent for
16 an education provider.
17 “(b) ‘Contractor’ means a person who:
18 “(A) Provides services to an education provider under a contract in a
19 manner that requires the person to have direct, unsupervised contact with
20 children; and
21 “(B) Interacts with a child because of the person’s status as a contractor
22 for an education provider.
23 “(c) ‘Education provider’ has the meaning given that term in ORS 339.370.
24 “(d) ‘School employee’ means a person who:
25 “(A) Is an employee of an education provider; and
26 “(B) Interacts with a child because of the person’s status as an employee
27 of an education provider.
28 “(e) ‘Volunteer’ means a person who:
29 “(A) Acts as a volunteer for an education provider in a manner that re-
30 quires the person to have direct, unsupervised contact with children; and

1 “(B) Interacts with a child because of the person’s status as a volunteer
2 of an education provider.

3 “(2) A law enforcement agency or the Department of Human Services
4 must conduct an investigation as provided by ORS 419B.020 if the law
5 enforcement agency or department receives a report of abuse that involves
6 a child and a person who is a school employee, contractor, agent or volun-
7 teer.

8 “(3) A law enforcement agency shall notify the department as provided
9 by ORS 419B.015 if the law enforcement agency receives a report described
10 in subsection (2) of this section. The department shall notify a law enforce-
11 ment agency as provided by ORS 419B.015 if the department receives a report
12 described in subsection (2) of this section. The department shall ensure that
13 an investigation related to the report is conducted if the report is not in-
14 vestigated by a law enforcement agency.

15 “(4)(a) Within three business days of receiving a report or notification of
16 a report described in subsection (2) of this section, the department shall no-
17 tify:

18 “(A) The appropriate education provider to ensure the safety of the child,
19 if the department believes the report of suspected abuse involves the child
20 and a person who is a school employee, contractor, agent or volunteer;

21 “(B) The [*Teacher Standards and Practices Commission*] **Department of**
22 **Education**, if the Department **of Human Services** believes the school em-
23 ployee, contractor, agent or volunteer is licensed, registered or certified by
24 the [*commission*] **Department of Education**; or

25 “(C) The Department of Education, if the Department of Human Services
26 believes the report of suspected abuse:

27 “(i) Occurred in a school or was related to a school-sponsored activity;
28 or

29 “(ii) Involves a child and a person who is a school employee, contractor,
30 agent or volunteer.

1 “(b) For the purpose of notification made under this subsection, the De-
2 partment of Human Services may not disclose the name and address of, and
3 other identifying information about, the person who made the report, but the
4 department shall make available any information necessary to ensure the
5 safety of the child, including the name of the school and the name of the
6 person who may have conducted the suspected abuse. Except as provided by
7 ORS 339.389, any person or entity to whom notification is made under this
8 subsection may not release any information not authorized by this sub-
9 section.

10 “(c) When the Department of Education receives notification under this
11 subsection, the department shall act under, and is subject to, ORS 339.389.

12 “(5) The Department of Human Services may adopt any rules necessary
13 for the administration of this section.

14 “**SECTION 68.** ORS 419B.035, as amended by section 10, chapter 27,
15 Oregon Laws 2022, and section 9, chapter 90, Oregon Laws 2022, is amended
16 to read:

17 “419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170,
18 192.210 to 192.478 and 192.610 to 192.810 relating to confidentiality and ac-
19 cessibility for public inspection of public records and public documents, re-
20 ports and records compiled under the provisions of ORS 419B.010 to 419B.050
21 are confidential and may not be disclosed except as provided in this section.

22 The Department of Human Services shall make the records available to:

23 “(a) Any law enforcement agency or a child abuse registry in any other
24 state for the purpose of subsequent investigation of child abuse;

25 “(b) Any physician, physician assistant licensed under ORS 677.505 to
26 677.525 or nurse practitioner licensed under ORS 678.375 to 678.390, at the
27 request of the physician, physician assistant or nurse practitioner, regarding
28 any child brought to the physician, physician assistant or nurse practitioner
29 or coming before the physician, physician assistant or nurse practitioner for
30 examination, care or treatment;

1 “(c) Attorneys of record for the child or child’s parent or guardian in any
2 juvenile court proceeding;

3 “(d) Citizen review boards established by the Judicial Department for the
4 purpose of periodically reviewing the status of children, youths and adjudi-
5 cated youths under the jurisdiction of the juvenile court under ORS 419B.100
6 and 419C.005. Citizen review boards may make such records available to
7 participants in case reviews;

8 “(e) A court appointed special advocate in any juvenile court proceeding
9 in which it is alleged that a child has been subjected to child abuse or neg-
10 lect;

11 “(f) The Early Learning Division for the purpose of carrying out the
12 functions of the division, including the certification, registration or regu-
13 lation of child care facilities and child care providers and the administration
14 of enrollment in the Central Background Registry;

15 “(g) The Office of Children’s Advocate;

16 “(h) The **Department of Education and the** Teacher Standards and
17 Practices Commission for investigations conducted under ORS 339.390 or
18 342.176 involving any child or any student **and any related discipline**;

19 “(i) Any person, upon request to the Department of Human Services, if
20 the reports or records requested regard an incident in which a child, as the
21 result of abuse, died or suffered serious physical injury as defined in ORS
22 161.015. Reports or records disclosed under this paragraph must be disclosed
23 in accordance with ORS 192.311 to 192.478;

24 “(j) The Office of Child Care for purposes of applications described in
25 ORS 329A.030 (10)(c)(G) to (J);

26 “(k) With respect to a report of abuse occurring at a school or in an ed-
27 ucational setting that involves a child with a disability, Disability Rights
28 Oregon;

29 “(L) The Department of Education for purposes of investigations con-
30 ducted under ORS 339.391; and

1 “(m) An education provider for the purpose of making determinations
2 under ORS 339.388.

3 “(2)(a) When disclosing reports and records pursuant to subsection (1)(i)
4 of this section, the Department of Human Services may exempt from disclo-
5 sure the names, addresses and other identifying information about other
6 children, witnesses, victims or other persons named in the report or record
7 if the department determines, in written findings, that the safety or well-
8 being of a person named in the report or record may be jeopardized by dis-
9 closure of the names, addresses or other identifying information, and if that
10 concern outweighs the public’s interest in the disclosure of that information.

11 “(b) If the Department of Human Services does not have a report or re-
12 cord of abuse regarding a child who, as the result of abuse, died or suffered
13 serious physical injury as defined in ORS 161.015, the department may dis-
14 close that information.

15 “(3) The Department of Human Services may make reports and records
16 compiled under the provisions of ORS 419B.010 to 419B.050 available to any
17 person, administrative hearings officer, court, agency, organization or other
18 entity when the department determines that such disclosure is necessary to
19 administer its child welfare services and is in the best interests of the af-
20 fected child, or that such disclosure is necessary to investigate, prevent or
21 treat child abuse and neglect, to protect children from abuse and neglect or
22 for research when the Director of Human Services gives prior written ap-
23 proval. The Department of Human Services shall adopt rules setting forth the
24 procedures by which it will make the disclosures authorized under this sub-
25 section or subsection (1) or (2) of this section. The name, address and other
26 identifying information about the person who made the report may not be
27 disclosed pursuant to this subsection and subsection (1) of this section.

28 “(4) A law enforcement agency may make reports and records compiled
29 under the provisions of ORS 419B.010 to 419B.050 available to other law
30 enforcement agencies, district attorneys, city attorneys with criminal

1 prosecutorial functions and the Attorney General when the law enforcement
2 agency determines that disclosure is necessary for the investigation or
3 enforcement of laws relating to child abuse and neglect or necessary to de-
4 termine a claim for crime victim compensation under ORS 147.005 to 147.367.

5 “(5) A law enforcement agency, upon completing an investigation and
6 closing the file in a specific case relating to child abuse or neglect, shall
7 make reports and records in the case available upon request to any law
8 enforcement agency or community corrections agency in this state, to the
9 Department of Corrections, to the Oregon Youth Authority or to the State
10 Board of Parole and Post-Prison Supervision for the purpose of managing and
11 supervising offenders in custody or on probation, parole, post-prison super-
12 vision or other form of conditional or supervised release. A law enforcement
13 agency may make reports and records compiled under the provisions of ORS
14 419B.010 to 419B.050 available to the Oregon Youth Authority, law enforce-
15 ment, community corrections, corrections or parole agencies in an open case
16 when the law enforcement agency determines that the disclosure will not
17 interfere with an ongoing investigation in the case. The name, address and
18 other identifying information about the person who made the report may not
19 be disclosed under this subsection or subsection (6)(b) of this section.

20 “(6)(a) Any record made available to a law enforcement agency or com-
21 munity corrections agency in this state, to the Department of Corrections,
22 the Oregon Youth Authority or the State Board of Parole and Post-Prison
23 Supervision or to a physician, physician assistant or nurse practitioner in
24 this state, as authorized by subsections (1) to (5) of this section, shall be kept
25 confidential by the agency, department, board, physician, physician assistant
26 or nurse practitioner. Any record or report disclosed by the Department of
27 Human Services to other persons or entities pursuant to subsections (1) and
28 (3) of this section shall be kept confidential.

29 “(b) Notwithstanding paragraph (a) of this subsection:

30 “(A) A law enforcement agency, a community corrections agency, the

1 Department of Corrections, the Oregon Youth Authority and the State Board
2 of Parole and Post-Prison Supervision may disclose records made available
3 to them under subsection (5) of this section to each other, to law enforce-
4 ment, community corrections, corrections and parole agencies of other states
5 and to authorized treatment providers for the purpose of managing and
6 supervising offenders in custody or on probation, parole, post-prison super-
7 vision or other form of conditional or supervised release.

8 “(B) The Department of Corrections and the Oregon Youth Authority may
9 disclose records made available to them under subsection (5) of this section
10 regarding a person in the custody of the Department of Corrections or the
11 Oregon Youth Authority to each other, to the court, to the district attorney
12 and to the person’s attorney for the purpose of the person’s hearing under
13 ORS 420A.200 to 420A.206.

14 “(C) A person may disclose records made available to the person under
15 subsection (1)(i) of this section if the records are disclosed for the purpose
16 of advancing the public interest.

17 “(7) Except as provided by ORS 339.389, an officer or employee of the
18 Department of Human Services or of a law enforcement agency or any person
19 or entity to whom disclosure is made pursuant to subsections (1) to (6) of this
20 section may not release any information not authorized by subsections (1) to
21 (6) of this section.

22 “(8) As used in this section, ‘law enforcement agency’ has the meaning
23 given that term in ORS 181A.010.

24 “(9) A person who violates subsection (6)(a) or (7) of this section commits
25 a Class A violation.

26 **“SECTION 69.** ORS 675.520 is amended to read:

27 “675.520. (1) A person may not use any title, words or abbreviations, in-
28 cluding the title ‘social worker,’ that indicate that the person has an au-
29 thorization to practice regulated social work unless the person is a regulated
30 social worker.

1 “(2) Subsection (1) of this section does not prohibit:

2 “(a) The use of the educational designations ‘Bachelor of Social Work’
3 or ‘Master’s of Social Work’ by a person who is not a regulated social
4 worker; or

5 “(b) The use of the title ‘school social worker’ by a person who:

6 “(A) Is not a regulated social worker;

7 “(B) Holds a master’s degree in social work from an accredited college
8 or university; and

9 “(C) Is licensed as a school social worker by the [*Teacher Standards and*
10 *Practices Commission*] **Department of Education.**

11 **“SECTION 70.** ORS 676.866 is amended to read:

12 “676.866. (1) As used in this section:

13 “(a) ‘Board’ means:

14 “(A) The Oregon Board of Psychology;

15 “(B) The Oregon Board of Licensed Professional Counselors and Thera-
16 pists;

17 “(C) The State Board of Licensed Social Workers;

18 “[*(D) The Teacher Standards and Practices Commission; and*]

19 **“(D) The Department of Education; and**

20 “(E) The Traditional Health Workers Commission.

21 “(b) ‘Licensee’ means:

22 “(A) A clinical social worker, as defined in ORS 675.510;

23 “(B) A regulated social worker, as defined in ORS 675.510;

24 “(C) A licensed marriage and family therapist, as defined in ORS 675.705;

25 “(D) A licensed psychologist, as defined in ORS 675.010;

26 “(E) A licensed professional counselor, as defined in ORS 675.705;

27 “(F) A school counselor, as defined by rule by the Teacher Standards and
28 Practices Commission; and

29 “(G) The following professionals regulated by the Oregon Health Author-
30 ity by rules adopted pursuant to subsection (9) of this section or employed

1 in a program operated or overseen by the authority:

- 2 “(i) A qualified mental health associate;
- 3 “(ii) A qualified mental health professional;
- 4 “(iii) A certified alcohol and drug counselor;
- 5 “(iv) A prevention specialist;
- 6 “(v) A problem gambling treatment provider;
- 7 “(vi) A recovery mentor;
- 8 “(vii) A community health worker;
- 9 “(viii) A personal health navigator;
- 10 “(ix) A personal support specialist;
- 11 “(x) A peer wellness specialist;
- 12 “(xi) A doula;
- 13 “(xii) A family support specialist;
- 14 “(xiii) A youth support specialist; and
- 15 “(xiv) A peer support specialist.

16 “(2)(a) The authority and a board shall require a licensee regulated by the
17 authority or the board to complete two hours every two years or three hours
18 every three years of continuing education related to suicide risk assessment,
19 treatment and management and report to the authority or the board the
20 licensee’s completion of the continuing education described in this sub-
21 section. The authority and the board shall ensure that the timelines for
22 completion of the continuing education align with the licensee’s professional
23 authorization issuance and renewal timelines.

24 “(b) The authority and a board shall approve continuing education op-
25 portunities that are applicable and relevant to the licensees regulated by the
26 authority or the board. A board may encourage a licensee regulated by the
27 board to complete continuing education opportunities recommended by the
28 authority.

29 “(3) A licensee shall report the completion of the continuing education
30 described in subsection (2) of this section to the board that regulates the

1 licensee or to the authority if the licensee is a professional listed in sub-
2 section (1)(b)(G) of this section.

3 “(4)(a) The authority and a board shall document completion of the con-
4 tinuing education described in subsection (2) of this section by a licensee
5 regulated by the authority or a board.

6 “(b) In consultation with the authority, a board shall adopt rules requir-
7 ing licensees to submit documentation of completion to the board.

8 “(c) The authority shall adopt rules requiring licensees regulated by the
9 authority to submit documentation of completion to the authority.

10 “(5) The authority and a board may adopt rules to:

11 “(a) Identify the experience and training that a licensee regulated by the
12 authority or the board must have in order to be exempt from the require-
13 ments of subsection (2) of this section.

14 “(b) Allow the concurrent completion of continuing education described
15 in subsection (2) of this section with continuing education opportunities re-
16 lated to professional ethics or cultural competency if the opportunities also
17 provide the continuing education described in subsection (2) of this section.

18 “(6) A board, on or before March 1 of each odd-numbered year, shall re-
19 port to the authority on the information described in subsection (4) of this
20 section, as well as information about the implementation of the continuing
21 education described in subsection (2) of this section.

22 “(7) The authority, on or before August 1 of each odd-numbered year, shall
23 report to the interim committees of the Legislative Assembly related to
24 health care on the information submitted to the authority under subsection
25 (6) of this section and information collected by the authority under sub-
26 section (4) of this section. The authority shall remove any personally iden-
27 tifiable information collected by or submitted to the authority under
28 subsection (4) or (6) of this section.

29 “(8) The authority may use the information collected by the authority
30 under subsection (4) of this section in conjunction with the information de-

1 scribed in ORS 676.860 to facilitate improvements in suicide risk assessment,
2 treatment and management efforts in this state.

3 “(9)(a) The authority and a board may adopt rules to carry out this sec-
4 tion.

5 “(b) The authority may adopt rules to define and regulate the professions
6 listed in subsection (1)(b)(G) of this section.

7 **“SECTION 71.** ORS 681.230 is amended to read:

8 “681.230. (1) Without obtaining a license under this chapter, a person may
9 use a procedure included in the practice of speech-language pathology or
10 audiology if the procedure is within the person’s scope of practice and the
11 person is:

12 “(a) Licensed by a health professional regulatory board as defined in ORS
13 676.160;

14 “(b) Performing basic audiometric testing under the supervision of a
15 physician licensed under ORS chapter 677 or a naturopathic physician li-
16 censed under ORS chapter 685 and representing that the person is a medical
17 assistant or audiology assistant;

18 “(c) A teacher who is licensed by the [*Teacher Standards and Practices*
19 *Commission*] **Department of Education** and who holds a hearing impaired
20 endorsement issued by the [*commission*] **department**;

21 “(d) A student participating in supervised field work or supervised course
22 work in speech-language pathology or audiology as part of a college or uni-
23 versity program approved by the State Board of Examiners for Speech-
24 Language Pathology and Audiology; or

25 “(e) A student taking an undergraduate course in speech-language
26 pathology approved by the board.

27 “(2) A person practicing speech-language pathology or audiology without
28 a license under subsection (1) of this section may not represent or imply that
29 the person is a speech-language pathologist, speech-language pathology as-
30 sistant or audiologist.

1 “(3) A person practicing speech-language pathology or audiology without
2 a license under subsection (1)(d) or (e) of this section:

3 “(a) Must use a title that indicates that the person is a student trainee.

4 “(b) May not be paid for speech-language pathology or audiology services
5 provided by the person, except that the person may be provided a reasonable
6 educational stipend.

7 “(4) Without obtaining a license under this chapter, a person may:

8 “(a) Consult with or disseminate the person’s research findings and sci-
9 entific information to an accredited academic institution or a governmental
10 agency; and

11 “(b) Offer lectures to the public for a fee, monetary or otherwise.

12 “**SECTION 72.** Section 3, chapter 271, Oregon Laws 2015, is amended to
13 read:

14 “**Sec. 3.** Notwithstanding the amendments to ORS 681.230 by section 1
15 [of this 2015 Act], **chapter 271, Oregon Laws 2015**, a teacher who is licensed
16 by the [Teacher Standards and Practices Commission] **Department of Edu-**
17 **cation** and who holds a communications disorders or speech impaired
18 endorsement issued by the [commission] **department** may continue to prac-
19 tice speech-language pathology on and after July 1, 2016, without obtaining
20 a license under ORS chapter 681 if the person:

21 “(1) Was licensed and endorsed by the **Teacher Standards and Practices**
22 Commission before July 1, 2016;

23 “(2) Practices speech-language pathology solely in the course and scope
24 of the person’s duties as an employee of an education service district, a
25 school district or a charter school; and

26 “(3) Complies with ORS 681.360 to 681.375 and rules adopted under ORS
27 681.360 to 681.375 when supervising speech-language pathology assistants.

28 “**SECTION 73.** ORS 681.360 is amended to read:

29 “681.360. (1) A person may not perform the duties of a speech-language
30 pathology assistant or use the title speech-language pathology assistant

1 without a certificate to do so issued under this section.

2 “(2) To obtain a certificate to perform the duties of a speech-language
3 pathology assistant, a person shall:

4 “(a) Submit an application in the form prescribed by the State Board of
5 Examiners for Speech-Language Pathology and Audiology;

6 “(b) Pay the certificate fee established by the board;

7 “(c) Demonstrate that the person meets the qualifications for certification
8 established by the board; and

9 “(d) Comply with all other requirements for certification established by
10 the board.

11 “(3) A certificate issued under this section expires every two years. To
12 renew a certificate to perform the duties of a speech-language pathology as-
13 sistant, a person shall:

14 “(a) Submit the renewal application in the form prescribed by the board;

15 “(b) Pay the renewal fee established by the board; and

16 “(c) Comply with all other requirements for certificate renewal estab-
17 lished by the board, including but not limited to submission of evidence of
18 participation in professional development activities.

19 “(4) A person may not employ or otherwise use the services of a speech-
20 language pathology assistant unless the speech-language pathology assistant
21 is certified under this section.

22 “(5) The board may establish by rule qualifications and conditions under
23 which a person not licensed under this chapter who holds a preliminary
24 teaching license or professional teaching license in speech impaired or a
25 preliminary teaching license, professional teaching license or distinguished
26 teacher leader license in communication disorders issued by the [*Teacher*
27 *Standards and Practices Commission*] **Department of Education** may su-
28 pervise a speech-language pathology assistant working in a school.

29 “(6) The board may refuse to issue a certificate, or may suspend or revoke
30 the certificate, of any certified speech-language pathology assistant pursuant

1 to the provisions of ORS 681.350.

2 **“SECTION 74.** Section 1b, chapter 116, Oregon Laws 2022, is amended to
3 read:

4 **“Sec. 1b.** The amendments to ORS 326.603 by section 1a [*of this 2022*
5 *Act*], **chapter 116, Oregon Laws 2022**, become operative on [*July 1, 2024*]
6 **the effective date of this 2023 Act.**

7 **“SECTION 75.** ORS 326.603, as amended by sections 1 and 1a, chapter
8 116, Oregon Laws 2022, is amended to read:

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

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

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

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

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

22 “(B) At a kindergarten through grade 12 school site during the regular
23 school day.

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

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

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

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

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

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

18 “(b) **The department determines that the person:**

19 “(A) **Submitted to a criminal records check for the person’s imme-**
20 **diately previous employer, the employer is a school district or private**
21 **school and the person has not lived outside this state between the two**
22 **periods of employment;**

23 “(B) **Submitted to a criminal records check conducted by the de-**
24 **partment within the previous three years; or**

25 “(C) **Remained continuously licensed or registered with the depart-**
26 **ment.**

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

1 until the contractor has been offered a contract.

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

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

14 “(b) If a person described in subsection (1) of this section has been con-
15 victed of a crime listed in ORS 342.143 (3), a school district may not employ
16 or contract with the person and a private school may choose not to employ
17 or contract with the person. Notification by the superintendent that the
18 school district may not employ or contract with the person shall remove the
19 person from any school district policies, collective bargaining provisions re-
20 garding dismissal procedures and appeals and the provisions of ORS 342.805
21 to 342.937.

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

27 “(8) If a person described in subsection (1) of this section refuses to con-
28 sent to the criminal records check or refuses to be fingerprinted, the school
29 district shall terminate the employment or contract status of the person.
30 Termination under this subsection removes the person from any school dis-

1 trict policies, collective bargaining provisions regarding dismissal procedures
2 and appeals and the provisions of ORS 342.805 to 342.937.

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

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

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

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

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

13 “(b) ‘School district’ means:

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

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

16 “(C) An educational program under the Youth Corrections Education
17 Program.

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

19 “(E) An education service district.

20 “**SECTION 76.** ORS 326.603, as amended by sections 1 and 1a, chapter
21 116, Oregon Laws 2022, and section 75 of this 2023 Act, is amended to read:

22 “326.603. (1) For the purposes of requesting a state or nationwide criminal
23 records check under ORS 181A.195, the Department of Education may require
24 the fingerprints of:

25 “(a) A school district or private school contractor, whether part-time or
26 full-time, or an employee of a contractor, whether part-time or full-time, who
27 has direct, unsupervised contact with students as determined by the district
28 or private school.

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

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

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

5 “(B) At a kindergarten through grade 12 school site during the regular
6 school day.

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

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

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

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

23 “(4) Notwithstanding subsection (1) of this section, the Department of
24 Education may not require fingerprints of a person described in subsection
25 (1) of this section if[.]

26 “[*a*] the person or the person’s employer was checked in one school dis-
27 trict or private school and is currently seeking to work in another district
28 or private school unless the person lived outside this state during the inter-
29 val between the two periods of time of working in the district or private
30 school[; *or*].

1 “[(b) *The department determines that the person:*]

2 “[(A) *Submitted to a criminal records check for the person’s immediately*
3 *previous employer, the employer is a school district or private school and the*
4 *person has not lived outside this state between the two periods of*
5 *employment;*]

6 “[(B) *Submitted to a criminal records check conducted by the department*
7 *within the previous three years; or]*

8 “[(C) *Remained continuously licensed or registered with the department.*]

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

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

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

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

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

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

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

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

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

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

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

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

25 “(b) ‘School district’ means:

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

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

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

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

1 “(E) An education service district.

2 **“SECTION 76a. ORS 342.410 is repealed.**

3 **“SECTION 77. (1) Section 1 of this 2023 Act and the amendments to**
4 **ORS 181A.180, 326.603, 326.726, 329.496, 329.603, 329.788, 336.635, 338.120,**
5 **338.135, 339.250, 339.370, 339.372, 339.378, 339.388, 339.389, 339.390, 339.391,**
6 **341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130, 342.136,**
7 **342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173, 342.175,**
8 **342.176, 342.177, 342.183, 342.192, 342.195, 342.200, 342.202, 342.203, 342.223,**
9 **342.350, 342.390, 342.420, 342.425, 342.430, 342.443, 342.455, 342.475, 342.485,**
10 **342.553, 342.856, 342.940, 342.971, 344.059, 344.062, 419B.005, 419B.019,**
11 **419B.035, 675.520, 676.866, 681.230 and 681.360 and section 3, chapter 271,**
12 **Oregon Laws 2015, section 4, chapter 756, Oregon Laws 2015, section**
13 **9a, chapter 518, Oregon Laws 2021, section 5, chapter 647, Oregon Laws**
14 **2021, and section 1b, chapter 116, Oregon Laws 2022, by sections 2 to**
15 **26 and 28 to 76 of this 2023 Act and the repeal of ORS 342.410 by section**
16 **76a of this 2023 Act become operative on July 1, 2025.**

17 **“(2) Notwithstanding the operative date set forth in subsection (1)**
18 **of this section, the Teacher Standards and Practices Commission, the**
19 **State Board of Education, the Department of Education and the Edu-**
20 **cator Advancement Council may take any action before the operative**
21 **date set forth in subsection (1) of this section that is necessary for the**
22 **Department of Education to exercise, on and after the operative date**
23 **set forth in subsection (1) of this section, all of the duties, functions**
24 **and powers conferred on the department by section 1 of this 2023 Act**
25 **and the amendments to ORS 181A.180, 326.603, 326.726, 329.496, 329.603,**
26 **329.788, 336.635, 338.120, 338.135, 339.250, 339.370, 339.372, 339.378, 339.388,**
27 **339.389, 339.390, 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125,**
28 **342.127, 342.130, 342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153,**
29 **342.165, 342.173, 342.175, 342.176, 342.177, 342.183, 342.192, 342.195, 342.200,**
30 **342.202, 342.203, 342.223, 342.350, 342.390, 342.420, 342.425, 342.430, 342.443,**

1 342.455, 342.475, 342.485, 342.553, 342.856, 342.940, 342.971, 344.059, 344.062,
2 419B.005, 419B.019, 419B.035, 675.520, 676.866, 681.230 and 681.360 and
3 section 3, chapter 271, Oregon Laws 2015, section 4, chapter 756, Oregon
4 Laws 2015, section 9a, chapter 518, Oregon Laws 2021, section 5, chapter
5 647, Oregon Laws 2021, and section 1b, chapter 116, Oregon Laws 2022,
6 by sections 2 to 76 of this 2023 Act and the repeal of ORS 342.410 by
7 section 76a of this 2023 Act.

8 “(3) For the purpose of ensuring that the Department of Education
9 may exercise, on and after the operative date set forth in subsection
10 (1) of this section, all of the duties, functions and powers conferred
11 on the Department of Education by section 1 of this 2023 Act and the
12 amendments to ORS 181A.180, 326.603, 326.726, 329.496, 329.603, 329.788,
13 336.635, 338.120, 338.135, 339.250, 339.370, 339.372, 339.378, 339.388, 339.389,
14 339.390, 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127,
15 342.130, 342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165,
16 342.173, 342.175, 342.176, 342.177, 342.183, 342.192, 342.195, 342.200, 342.202,
17 342.203, 342.223, 342.350, 342.390, 342.420, 342.425, 342.430, 342.443, 342.455,
18 342.475, 342.485, 342.553, 342.856, 342.940, 342.971, 344.059, 344.062, 419B.005,
19 419B.019, 419B.035, 675.520, 676.866, 681.230 and 681.360 and section 3,
20 chapter 271, Oregon Laws 2015, section 4, chapter 756, Oregon Laws
21 2015, section 9a, chapter 518, Oregon Laws 2021, section 5, chapter 647,
22 Oregon Laws 2021, and section 1b, chapter 116, Oregon Laws 2022, by
23 sections 2 to 76 of this 2023 Act and the repeal of ORS 342.410 by section
24 76a of this 2023 Act, the Teacher Standards and Practices Commission,
25 the State Board of Education, the Department of Education and the
26 Educator Advancement Council shall develop and implement a plan
27 that provides for a seamless transfer of duties, functions and powers.

28 “(4) The Governor shall resolve any disputes related to the plan
29 developed and implemented under subsection (3) of this section and the
30 Governor’s decision is final.

1 “(5) No later than September 15, 2024, the Teacher Standards and
2 Practices Commission, the State Board of Education, the Department
3 of Education and the Educator Advancement Council shall submit a
4 report concerning the progress of the plan developed and implemented
5 as provided by this section to the interim committees of the Legisla-
6 tive Assembly related to education.

7 “SECTION 78. (1) The executive director of the Teacher Standards
8 and Practices Commission shall:

9 “(a) Deliver to the Department of Education all records and prop-
10 erty within the jurisdiction of the executive director that relate to the
11 duties, functions and powers transferred by section 1 of this 2023 Act;
12 and

13 “(b) Transfer to the Department of Education those employees en-
14 gaged primarily in the exercise of the duties, functions and powers
15 transferred by section 1 of this 2023 Act.

16 “(2) The Superintendent of Public Instruction shall take possession
17 of the records and property, and shall take charge of the employees
18 and employ them in the exercise of the duties, functions and powers
19 transferred by section 1 of this 2023 Act, without reduction of com-
20 pensation but subject to change or termination of employment or
21 compensation as provided by law.

22 “(3) The Governor shall resolve any dispute between the Teacher
23 Standards and Practices Commission and the Department of Education
24 relating to transfers of records, property and employees under this
25 section, and the Governor’s decision is final.

26 “SECTION 79. (1) The unexpended balances of amounts authorized
27 to be expended by the Teacher Standards and Practices Commission
28 for the biennium beginning July 1, 2023, from revenues dedicated,
29 continuously appropriated, appropriated or otherwise made available
30 for the purpose of administering and enforcing the duties, functions

1 and powers transferred by section 1 of this 2023 Act are transferred to
2 and are available for expenditure by the Department of Education for
3 the biennium beginning July 1, 2023, for the purpose of administering
4 and enforcing the duties, functions and powers transferred by section
5 1 of this 2023 Act.

6 “(2) The expenditure classifications, if any, established by Acts au-
7 thORIZING or limiting expenditures by the Teacher Standards and
8 Practices Commission remain applicable to expenditures by the De-
9 partment of Education under this section.

10 “SECTION 80. The transfer of duties, functions and powers to the
11 Department of Education by section 1 of this 2023 Act does not affect
12 any action, proceeding or prosecution involving or with respect to the
13 duties, functions and powers begun before and pending at the time of
14 the transfer, except that the Department of Education is substituted
15 for the Teacher Standards and Practices Commission in the action,
16 proceeding or prosecution.

17 “SECTION 81. (1) Nothing in the amendments to ORS 181A.180,
18 326.603, 326.726, 329.496, 329.603, 329.788, 336.635, 338.120, 338.135, 339.250,
19 339.370, 339.372, 339.378, 339.388, 339.389, 339.390, 339.391, 341.535, 342.120,
20 342.121, 342.122, 342.123, 342.125, 342.127, 342.130, 342.136, 342.137, 342.138,
21 342.143, 342.144, 342.147, 342.153, 342.165, 342.173, 342.175, 342.176, 342.177,
22 342.183, 342.192, 342.195, 342.200, 342.202, 342.203, 342.223, 342.350, 342.390,
23 342.420, 342.425, 342.430, 342.443, 342.455, 342.475, 342.485, 342.553, 342.856,
24 342.940, 342.971, 344.059, 344.062, 419B.005, 419B.019, 419B.035, 675.520,
25 676.866, 681.230 and 681.360 and section 3, chapter 271, Oregon Laws
26 2015, section 4, chapter 756, Oregon Laws 2015, section 9a, chapter 518,
27 Oregon Laws 2021, section 5, chapter 647, Oregon Laws 2021, and sec-
28 tion 1b, chapter 116, Oregon Laws 2022, by sections 2 to 76 of this 2023
29 Act and the repeal of ORS 342.410 by section 76a of this 2023 Act re-
30 lieves a person of a liability, duty or obligation accruing under or with

1 respect to the duties, functions and powers transferred by section 1
2 of this 2023 Act. The Department of Education may undertake the
3 collection or enforcement of any such liability, duty or obligation.

4 “(2) The rights and obligations of the Teacher Standards and Prac-
5 tices Commission legally incurred under contracts, leases and business
6 transactions executed, entered into or begun before the operative date
7 of section 1 of this 2023 Act accruing under or with respect to the du-
8 ties, functions and powers transferred by section 1 of this 2023 Act are
9 transferred to the Department of Education. For the purpose of suc-
10 cession to these rights and obligations, the Department of Education
11 is a continuation of the Teacher Standards and Practices Commission
12 and not a new authority.

13 **“SECTION 82.** Notwithstanding the transfer of duties, functions and
14 powers by section 1 of this 2023 Act, the rules of the Teacher Standards
15 and Practices Commission with respect to such duties, functions or
16 powers that are in effect on the operative date of section 1 of this 2023
17 Act continue in effect until superseded or repealed by rules of the
18 State Board of Education. References in the rules of the Teacher
19 Standards and Practices Commission to the Teacher Standards and
20 Practices Commission or an officer or employee of the Teacher Stan-
21 dards and Practices Commission are considered to be references to the
22 Department of Education or an officer or employee of the Department
23 of Education.

24 **“SECTION 83.** Whenever, in any uncodified law or resolution of the
25 Legislative Assembly or in any rule, document, record or proceeding
26 authorized by the Legislative Assembly, in the context of the duties,
27 functions and powers transferred by section 1 of this 2023 Act, refer-
28 ence is made to the Teacher Standards and Practices Commission, or
29 an officer or employee of the Teacher Standards and Practices Com-
30 mission, whose duties, functions or powers are transferred by section

1 **1 of this 2023 Act, the reference is considered to be a reference to the**
2 **Department of Education or an officer or employee of the Department**
3 **of Education who by this 2023 Act is charged with carrying out the**
4 **duties, functions and powers.**

5 **“SECTION 84. This 2023 Act being necessary for the immediate**
6 **preservation of the public peace, health and safety, an emergency is**
7 **declared to exist, and this 2023 Act takes effect July 1, 2023.”.**

8
