

Senate Bill 1550

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

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

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

Directs the Department of Education to establish the Educator Advancement Council.
Declares an emergency, effective on passage.

A BILL FOR AN ACT

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

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

12 **SECTION 1. The duties, functions and powers of the Teacher Standards and Practices**
13 **Commission relating to:**

14 **(1) The issuance of any teaching, administrative or personnel service license and the in-**
15 **vestigation of any person holding a teaching, administrative or personnel service license are**
16 **transferred to and vested in the Department of Education.**

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

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

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

22 **342.350. (1) *[There is created a Teacher Standards and Practices Commission consisting]* The**
23 **Teacher Standards and Practices Commission is established. The purposes of the commission**
24 **are to:**

25 **(a) Adopt rules and standards related to teaching, administrative and personnel service**
26 **licenses, as those licenses are issued by the Department of Education; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b) Oversee disciplinary proceedings and impose discipline on department licensees.**

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

4 [(2)] **(3)** The term of office of a member is three years. Before the expiration of the term of a
5 member, the Governor shall appoint a successor to assume the duties on January 1 next following.
6 A member is eligible for reappointment but only for one additional term. In case of a vacancy for
7 any cause, the Governor shall make an appointment to become immediately effective for the unex-
8 pired term.

9 [(3)] **(4)** Any member who through change of employment standing or other circumstances no
10 longer meets the criteria for the position to which the member was appointed shall no longer be
11 eligible to serve in that position, and the position on the commission shall become vacant 60 days
12 following the member's change in circumstances.

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

14 181A.180. Whenever any court or district attorney receives a disposition report and the court
15 or district attorney has cause to believe that the arrested person who is the subject of the report
16 is an employee of a school district or is licensed as a school teacher or administrator and that the
17 charge involves a violation of any crime listed in ORS 342.143 (3), the court or district attorney shall
18 cause [*the Teacher Standards and Practices Commission and*] the Department of Education to be sent
19 a copy of the completed disposition report.

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

21 326.726. (1) The Department of Education shall designate a dyslexia specialist for the department
22 to provide school districts with support and resources that are necessary to:

- 23 (a) Assist students with dyslexia and their families; and
24 (b) Comply with the requirements of this section.

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

28 (3) For the purpose of subsection (2) of this section, a training opportunity related to dyslexia
29 must:

- 30 (a) Comply with the knowledge and practice standards of an international organization on
31 dyslexia;
32 (b) Enable the teacher to understand and recognize dyslexia; and
33 (c) Enable the teacher to implement instruction that is systematic, explicit and evidence-based
34 to meet the educational needs of students with dyslexia.

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

- 37 (a) Be developed [*in collaboration with the Teacher Standards and Practices Commission*] to en-
38 sure that the training opportunities also satisfy professional development requirements; and
39 (b) Include at least one opportunity that is provided entirely online.

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

- 42 (a) Kindergarten, if the student first enrolls at a public school in this state for kindergarten; or
43 (b) First grade, if the student first enrolls in a public school in this state for first grade.

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

- 45 (a) Identify screening tests that are cost effective. The tests administered to students in

1 kindergarten must take into account the following factors:

2 (A) Phonological awareness;

3 (B) Rapid naming skills;

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

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

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

9 (7) The department shall develop guidance regarding best practices for assisting students who
10 are identified through screening or through parental input as showing risk factors or being at risk
11 for reading difficulties, including dyslexia. The department shall make the guidance available to
12 school districts.

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

16 (b) The board shall adopt by rule the criteria for a waiver from the requirements of subsection
17 (2) of this section to address instances when noncompliance is outside the control of the school
18 district.

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

20 329.496. (1)(a) Every public school student in kindergarten through grade five, and every public
21 school student in grade six at a school that teaches kindergarten through grade six, shall participate
22 in physical education for the entire school year for at least 150 minutes during each school week.

23 (b) Except as provided by paragraph (a) of this subsection, every public school student in grades
24 six through eight shall participate in physical education for at least an average of 150 minutes
25 during each school week, as calculated over the duration of a school year.

26 (c) Notwithstanding the time requirements established by paragraphs (a) and (b) of this sub-
27 section, the State Board of Education shall adopt rules that prorate the time requirements for:

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

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

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

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

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

36 (d) School districts and public charter schools are not required to comply with the time re-
37 quirements established by paragraphs (a) and (b) of this subsection for school years during the
38 biennium in which the total amounts appropriated or allocated to the State School Fund and avail-
39 able for distribution to school districts are less than the amounts determined to be needed for school
40 districts through the State School Fund under the tentative budget prepared as provided by ORS
41 291.210. After the beginning of a biennium, a school district or a public charter school may cease
42 to comply with the time requirements established by paragraphs (a) and (b) of this subsection if the
43 amounts appropriated or allocated to the State School Fund and available for distribution to school
44 districts are less than the amounts determined to be needed for distribution through the State
45 School Fund, as calculated under ORS 291.210.

1 (2) School districts and public charter schools shall offer instruction in physical education that
 2 meets the academic content standards for physical education adopted by the State Board of Educa-
 3 tion under ORS 329.045. The instruction shall be a sequential, developmentally appropriate curric-
 4 ulum that is designed, implemented and evaluated to help students develop the knowledge, motor
 5 skills, self-management skills, attitudes and confidence needed to adopt and maintain physical ac-
 6 tivity throughout their lives.

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

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

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

15 (ii) Are provided for students by a teacher whose license allows the teacher to provide instruc-
 16 tion in physical education to those students, even if the teacher does not have a physical education
 17 endorsement; and

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

19 (B) The Department of Education shall:

20 (i) Review and, as appropriate, approve activities that are developed by nonprofit professional
 21 organizations representing health and physical education educators if the activities meet the re-
 22 quirements of subparagraph (A) of this paragraph; and

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

25 (C) School districts and public charter schools may provide activities that meet the requirements
 26 of subparagraph (A) of this paragraph even if the activities are not approved as provided by sub-
 27 paragraph (B) of this paragraph.

28 (4)(a) Notwithstanding subsections (1) and (3) of this section, a student with disabilities shall
 29 have suitably adapted physical education incorporated as part of the individualized education pro-
 30 gram developed for the student under ORS 343.151.

31 (b) Notwithstanding subsections (1) and (3) of this section, a student who does not have an in-
 32 dividualized education program but has chronic health problems, other disabling conditions or other
 33 special needs that preclude the student from participating in regular physical education instruction
 34 shall have suitably adapted physical education incorporated as part of an individualized health plan
 35 developed for the student by the school district or public charter school.

36 (5) School districts and public charter schools shall assess school curricula at regular intervals
 37 to measure the attainment of the minimum number of minutes that students are required to partic-
 38 ipate in physical education under this section.

39 (6)(a) All teachers of physical education for public school students in kindergarten through
 40 grade eight shall be adequately prepared and shall regularly participate in professional development
 41 activities to effectively deliver the physical education program.

42 (b)(A) Notwithstanding any licensing or endorsement requirements established by the Teacher
 43 Standards and Practices Commission **by rule**, a teacher with an elementary multiple subject
 44 endorsement may instruct students in activities described in subsection (3)(b) of this section if the
 45 activities are reviewed by a licensed teacher with a physical education endorsement.

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

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

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

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

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

16 (B) Granted for only one school year, but may be renewed for subsequent school years based
 17 on rules adopted by the board if the school district or public charter school continues to be im-
 18 pacted by the disaster.

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

20 329.603. (1) Each school district must provide a coordinated comprehensive school counseling
 21 program to support the academic, career, personal and social development of each student and to
 22 develop the sense of community involvement for each student.

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

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

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

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

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

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

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

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

36 329.788. As used in ORS 329.788 to 329.820:

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

38 (a) Possesses an administrative license issued by the [*Teacher Standards and Practices Commis-*
 39 *sion*] **Department of Education**;

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

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

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

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

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

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

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

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

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

6 (b) Has met established best practice and research-based criteria as defined by the Educator
7 Advancement Council by rule;

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

10 (d) Has successfully served for five or more years as a licensed teacher, principal or super-
11 intendent in any public school; and

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

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

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

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

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

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

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

27 (d) For a program in a school district in which the student is not a resident, the resident school
28 district and the attending school district approve the enrollment.

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

31 (2) If the student is eligible for special education under ORS 343.221 to 343.236 and 343.261 to
32 343.295, the program must be approved by the Department of Education prior to the placement of
33 the student in the program.

34 (3) A student enrolled pursuant to this section is considered enrolled in the schools of the dis-
35 trict offering the program for purposes of the distribution of the State School Fund.

36 (4) An alternative education program that is offered to a student who is not a resident of the
37 school district may bill tuition to the school district where the student is a resident. The billing
38 may be made annually or at the end of each term or semester of the alternative education program.
39 For each full-time equivalent student enrolled in the alternative education program, the resident
40 school district shall pay the actual cost of the program or an amount at least equivalent to 80 per-
41 cent of the district's estimated current year's average per student net operating expenditure,
42 whichever is less, in accordance with rules adopted by the State Board of Education. The alternative
43 education program is accountable for the expenditures of all State School Fund moneys and other
44 local school support moneys and shall provide the resident school district with an annual statement
45 of the expenditures.

1 (5) A private alternative education program that is registered with the department is not re-
2 quired to employ only licensed teachers or administrators. Teachers and administrators in private
3 programs are not considered employees of any school district for purposes of ORS 342.173.

4 (6) A school district is not required to provide a public alternative education program if the
5 student can be referred to public or approved private alternative education programs that are ap-
6 propriate for and accessible to the student.

7 (7) Any preliminary teaching license, professional teaching license or distinguished teacher
8 leader license issued by the [*Teacher Standards and Practices Commission*] **Department of Educa-**
9 **tion** is valid for teaching all subjects and grade levels in an alternative education program operated
10 by a school district or education service district.

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

12 336.680. (1) As used in this section, “approved recovery school” means a school that is under
13 an agreement with the Department of Education to provide students enrolled in the school with a
14 holistic approach to:

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

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

17 (2) The department shall provide or cause to be provided appropriate education for students
18 enrolled in an approved recovery school. For the purpose of paying the costs of providing education
19 to students enrolled in an approved recovery school, the Superintendent of Public Instruction shall
20 make the following:

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

22 (b) Payments from the Statewide Education Initiatives Account, as provided by rule adopted by
23 the State Board of Education in collaboration with the advisory committee convened under ORS
24 336.685. The rules adopted as provided by this paragraph may include a minimum amount, a maxi-
25 mum amount or both for approved recovery schools.

26 (3) The Superintendent of Public Instruction may contract with a school district, an education
27 service district or a public charter school to provide or cause to be provided appropriate education
28 to students enrolled in an approved recovery school. Unless otherwise specified, any educational
29 services provided under a contract entered into under this subsection shall be paid as described in
30 this section and not by any other state moneys distributed based on average daily membership that
31 are available to the school district, education service district or public charter school for the pur-
32 pose of providing educational services.

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

35 (a) The recovery school must align, to the extent identified by the board, with standards for
36 accreditation established by a nonprofit accrediting organization composed of representatives of re-
37 covery schools and individuals who support the growth of recovery schools. The standards must in-
38 clude requirements that:

39 (A) The recovery school, in compliance with timelines established by the department, be ac-
40 credited by a nonprofit accrediting organization that establishes standards for recovery schools.
41 Nothing in this subparagraph requires the recovery school to be accredited at the time the super-
42 intendent first enters into a contract with the recovery school.

43 (B) Student enrollment in the recovery school is voluntary. No school district or state or local
44 agency may compel or otherwise require a student to enroll in a recovery school. Students enrolled
45 in an approved recovery school may not be counted in determining the number of pupils in average

1 daily membership for purposes of ORS 334.175 (5).

2 (C) All students who reside in this state and who meet the eligibility criteria established under
3 subsection (8) of this section may enroll in an approved recovery school if space is available. If
4 space is not available, the approved recovery school may prioritize for enrollment student groups
5 identified in ORS 327.180 (2)(b).

6 (D) The school district, education service district or public charter school with which the de-
7 partment has entered into a contract for a recovery school must agree to award high school diplo-
8 mas, modified diplomas, extended diplomas and alternative certificates as provided by ORS 329.451
9 and 339.877. An entity that awards high school diplomas as provided by this subparagraph:

10 (i) May not impose requirements for a high school diploma that are in addition to the require-
11 ments prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

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

15 (E) Except as provided by subparagraph (F) of this paragraph, the recovery school must satisfy
16 the same laws that apply to public charter schools under ORS 338.115.

17 (F) All administrators and teachers at the recovery school must be licensed by the [*Teacher*
18 *Standards and Practices Commission*] **department**.

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

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

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

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

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

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

31 (A) Identifying, locating and evaluating students enrolled in an approved recovery school who
32 may be in need of special education and related services; and

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

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

36 (8) The department shall establish eligibility criteria for students to enroll in an approved re-
37covery school, based on input from the advisory committee convened under ORS 336.685 and based
38on research from a nonprofit organization composed of representatives of recovery schools and in-
39dividuals who support the growth of recovery schools and other relevant organizations.

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

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

42 (b) The department shall collaborate with the Oregon Health Authority, the Youth Development
43 Division, the Alcohol and Drug Policy Commission, the Oregon Youth Authority, the Department
44 of Human Services and local public health and mental health authorities or providers and shall co-
45ordinate, to the greatest extent practicable, funding of services provided in relation to approved

1 recovery schools.

2 (10) Each biennium, the Department of Education shall prepare a report on the progress, suc-
 3 cesses and challenges of approved recovery schools and submit that report to:

- 4 (a) The interim committees of the Legislative Assembly related to education; and
- 5 (b) The advisory committee convened under ORS 336.685.

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

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

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

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

13 (c) A plan for implementing the proposed education program of the school by directly and sig-
 14 nificantly involving parents and guardians of students enrolled in the school and involving the pro-
 15 fessional employees of the school.

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

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

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

19 (B) Provide student assessments in a manner that ensures that an individual student is being
 20 assessed and that the assessment is valid.

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

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

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

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

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

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

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

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

35 (B) Is offered an Internet service cost reimbursement arrangement under which the school re-
 36 imbursees the parent or guardian of the student, at a rate set by the school, for the costs of obtaining
 37 Internet service at the minimum connection speed required to effectively access the education pro-
 38 gram provided by the school; or

39 (C) Has access to and use of computer and printer equipment and is offered Internet service cost
 40 reimbursement.

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

45 (j) A plan to conduct school-sponsored optional educational events at least six times each school

1 year at locations selected to provide convenient access to all students enrolled in the school who
2 want to participate.

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

5 (L) A plan to provide opportunities for face-to-face meetings between teachers and students en-
6 rolled in the school at least six times each school year.

7 (m) A plan to provide, at the time of a student's enrollment, written notice to the sponsor and,
8 if different, to the school district where the student is a resident. Notification must be provided
9 within 10 days after enrollment and must include:

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

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

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

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

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

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

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

22 (2) For a virtual public charter school:

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

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

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

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

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

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

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

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

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

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

44 (A) The salaries of supervisory and management personnel and consultants who are providing
45 educational or related services for a public charter school in this state; and

1 (B) The annual operating expenses and profit margin of the third-party entity for providing ed-
 2 ucational services to a public charter school in this state.

3 (4)(a) The sponsor or a member of the public may request access to any of the documents de-
 4 scribed in subsections (1) and (3)(d) of this section that are public records, as provided by ORS
 5 192.311 to 192.478.

6 (b) Upon request by a sponsor or a member of the public, a virtual public charter school must
 7 provide reasonable access to the documents described in subsections (1) and (3)(d) of this section
 8 that are public records, as provided by ORS 192.311 to 192.478. The documents may be provided
 9 electronically.

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

11 338.135. (1) Employee assignment to a public charter school shall be voluntary.

12 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
 13 ployer of any employees of the public charter school. If a school district board is not the sponsor
 14 of the public charter school, the school district board may not be the employer of the employees of
 15 the public charter school and the school district board may not collectively bargain with the em-
 16 ployees of the public charter school. The public charter school governing body shall control the
 17 selection of employees at the public charter school.

18 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
 19 with a for-profit entity to provide educational services through the virtual public charter school, the
 20 for-profit entity may not be the employer of any employees of the virtual public charter school un-
 21 less:

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

23 (B) Both the executive officer of the sponsor and the public charter school governing body ap-
 24 prove employment by the for-profit entity. The executive officer or governing body may choose to
 25 grant approval under this subparagraph:

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

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

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

32 (3) The school district board of the school district within which the public charter school is lo-
 33 cated shall grant a leave of absence to any employee who chooses to work in the public charter
 34 school. The length and terms of the leave of absence shall be set by negotiated agreement or by
 35 board policy. However, the length of the leave of absence may not be less than two years unless:

36 (a) The charter of the public charter school is terminated or the public charter school is dis-
 37 solved or closed during the leave of absence; or

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

40 (4) An employee of a public charter school operating within a school district who is granted a
 41 leave of absence from the school district and returns to employment with the school district shall
 42 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.
 43 Notwithstanding ORS 243.650 to 243.809, a school district that was the employer of an employee of
 44 a public charter school not operating within the school district may make provisions for the return
 45 of the employee to employment with the school district.

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

3 (b) For purposes of determining the salary paid to an active member of the Public Employees
4 Retirement System under ORS 238A.005 (17) during the period between August 29, 2003, and January
5 1, 2020, remuneration paid to a member in return for services to a public charter school is deemed
6 includable in the member's taxable income under Oregon law during a period of continuous em-
7 ployment with any public charter school if:

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

10 (B) The member was informed in writing by the public charter school during the period of con-
11 tinuous employment that the member was eligible to participate in the Public Employees Retirement
12 System and the public charter school made contributions to the system on the member's behalf;

13 (C) The remuneration was, or would have been if the member were an Oregon resident,
14 includable in the member's taxable income under Oregon law during the period of continuous em-
15 ployment; and

16 (D) The member resided and performed services in the United States during the period of con-
17 tinuous employment.

18 (c) As used in this subsection, "continuous employment" means employment with a public char-
19 ter school that is not interrupted by a period of more than 30 consecutive calendar days.

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

22 (7)(a) Any person employed as an administrator in a public charter school shall be licensed or
23 registered to administer by the [*Teacher Standards and Practices Commission*] **Department of Ed-**
24 **ucation**.

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

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

30 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
31 for purposes of ORS 243.650 to 243.809. An employee of a public charter school may be a member
32 of a labor organization or organize with other employees to bargain collectively. Bargaining units
33 at the public charter school may be separate from other bargaining units of the sponsor or of the
34 school district in which the public charter school is located. Employees of a public charter school
35 may be part of the bargaining units of the sponsor or of the school district in which the public
36 charter school is located.

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

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

40 339.250. (1) Public school students shall comply with rules for the government of such schools,
41 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' au-
42 thority.

43 (2) Each district school board shall adopt written policies for the discipline, suspension or ex-
44 pulsion of any refractory student. The policies:

45 (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited

- 1 to:
- 2 (A) Willful disobedience;
 - 3 (B) Open defiance of the authority of a school employee;
 - 4 (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
 - 5 (D) Use or display of profane or obscene language;
 - 6 (E) Willful damage or injury to school property;
 - 7 (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
 - 8 (G) Assault of a school employee or another student; or
 - 9 (H) Intentional attempts, by word or conduct, to place a school employee or another student in
 - 10 fear of imminent serious physical injury.
- 11 (b) Must require consideration of the age of a student and the past pattern of behavior of a
 - 12 student prior to imposing the suspension or expulsion of a student.
 - 13 (c) Must limit the use of expulsion to the following circumstances:
 - 14 (A) For conduct that poses a threat to the health or safety of students or school employees;
 - 15 (B) When other strategies to change student conduct have been ineffective, except that expul-
 - 16 sion may not be used to address truancy; or
 - 17 (C) When the expulsion is required by law.
 - 18 (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who
 - 19 is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the fol-
 - 20 lowing circumstances:
 - 21 (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
 - 22 (B) When a school administrator determines, based upon the administrator's observation or upon
 - 23 a report from a school employee, that the student's conduct poses a direct threat to the health or
 - 24 safety of students or school employees; or
 - 25 (C) When the suspension or expulsion is required by law.
 - 26 (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this sub-
 - 27 section, must require the school district to take steps to prevent the recurrence of the behavior that
 - 28 led to the out-of-school suspension and return the student to a classroom setting so that the dis-
 - 29 ruption of the student's academic instruction is minimized.
 - 30 (f) Must be limited so that:
 - 31 (A) The duration of an expulsion may not be more than one calendar year.
 - 32 (B) The duration of a suspension may not be more than 10 school days.
 - 33 (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours
 - 34 as an alternative to suspension if the total number of hours does not exceed the equivalent of 10
 - 35 school days.
 - 36 (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school
 - 37 district shall develop a student handbook, code of conduct or other document that:
 - 38 (a) Defines and helps create a learning environment that students respect;
 - 39 (b) Defines acceptable norms of behavior for students and the types of behavior that are subject
 - 40 to discipline;
 - 41 (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety
 - 42 of students or employees of the school;
 - 43 (d) Establishes a system of consequences that are designed to correct student misconduct and
 - 44 promote behavior within acceptable norms; and
 - 45 (e) Makes the system of consequences known to the school community through the dissemination

1 of information to students, parents, legal guardians and school district employees.

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

5 (a) Staff reporting methods.

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

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

10 (B) Placing the student in a setting where the behavior will receive immediate attention, in-
11 cluding, but not limited to, the office of the school principal, vice principal, assistant principal,
12 counselor or a school psychologist licensed by the [*Teacher Standards and Practices Commission*]
13 **Department of Education** or the office of any licensed mental health professional.

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

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

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

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

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

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

29 (c) Foster positive learning communities;

30 (d) Keep students in school and attending class;

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

33 (f) Implement a graduated set of age-appropriate responses to misconduct that are fair,
34 nondiscriminatory and proportionate in relation to each student's individual conduct;

35 (g) Employ a range of strategies for prevention, intervention and discipline that take into ac-
36 count a student's developmental capacities and that are proportionate to the degree and severity
37 of the student's misbehavior;

38 (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction
39 or instruction combined with counseling for the student that are appropriate and accessible to the
40 student in the following circumstances:

41 (A) Following a second or subsequent occurrence within any three-year period of a severe dis-
42 ciplinary problem with the student; or

43 (B) When a parent or legal guardian applies for the student's exemption from compulsory at-
44 tendance on a semiannual basis as provided in ORS 339.030 (2);

45 (i) To the extent practicable, use approaches that are shown through research to be effective in

1 reducing student misbehavior and promoting safe and productive social behavior; and

2 (j) Ensure that school conduct and discipline codes comply with all state and federal laws con-
3 cerning the education of students with disabilities.

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

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

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

14 (A) Brought a firearm to a school, to school property under the jurisdiction of the school district
15 or to an activity under the jurisdiction of the school district;

16 (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction
17 of the school district or at an activity under the jurisdiction of the school district; or

18 (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity adminis-
19 tered by a voluntary organization.

20 (b) Allow exceptions:

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

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

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

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

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

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

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

37 (8) Each district school board shall adopt and disseminate written policies for the use of physical
38 force upon a student. The policies must allow an individual who is a teacher, administrator, school
39 employee or school volunteer to use reasonable physical force upon a student when and to the ex-
40 tent the application of force is consistent with ORS 339.285 to 339.303.

41 (9)(a) The authority to discipline a student does not authorize the infliction of corporal punish-
42 ment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public
43 charter school or the Department of Education that permits or authorizes the infliction of corporal
44 punishment upon a student is void and unenforceable.

45 (b) As used in this subsection:

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

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

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

6 (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition
7 or other such recreational activity, voluntarily engaged in by a student.

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

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

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

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

14 339.370. As used in ORS 339.370 to 339.400:

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

16 (2) "Agent" means a person acting as an agent for an education provider in a manner that re-
17 quires the person to have direct, unsupervised contact with students.

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

19 *[(4)]* (3) "Contractor" means a person providing services to an education provider under a con-
20 tract in a manner that requires the person to have direct, unsupervised contact with students.

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

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

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

24 (B) The Oregon School for the Deaf.

25 (C) An educational program under the Youth Corrections Education Program.

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

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

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

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

30 (H) A private school.

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

32 (A) The Oregon Youth Authority;

33 (B) The Department of Corrections; or

34 (C) The Department of Education, except when functioning as an education provider on behalf
35 of the Oregon School for the Deaf.

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

38 (a) Is based on interviews with the person who initiated the report, the person who may have
39 been subjected to abuse or sexual conduct, witnesses and the person who is the subject of the re-
40 port; and

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

42 (A) Is a substantiated report;

43 (B) Cannot be substantiated; or

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

45 (7) "Law enforcement agency" has the meaning given that term in ORS 419B.005.

1 (8) "Licensed administrator" means a person who is employed as an administrator of an educa-
2 tion provider and who:

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

5 (b) Does not hold an administrative license issued by the [*commission*] **department** because the
6 person is employed by an education provider that does not require administrators to be licensed by
7 the [*commission*] **department**.

8 (9) "Private school" means a school that provides to students instructional programs that are
9 not limited solely to dancing, drama, music, religious or athletic instruction.

10 (10) "School board" means the entity charged with adopting policies for an education provider.

11 (11) "School employee" means an employee of an education provider.

12 (12)(a) "Sexual conduct" means verbal or physical conduct or verbal, written or electronic
13 communications by a school employee, a contractor, an agent or a volunteer that involve a student
14 and that are:

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

16 (B) Of a sexual nature that are directed toward the student or that have the effect of unrea-
17 sonably interfering with the student's educational performance, or of creating an intimidating or
18 hostile educational environment.

19 (b) "Sexual conduct" does not include:

20 (A) Touching or other physical contact:

21 (i) That is necessitated by the nature of the school employee's job duties or by the services re-
22 quired to be provided by the contractor, agent or volunteer; and

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

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

26 (C) Conduct or communications described in paragraph (a) of this subsection if the school em-
27 ployee, contractor, agent or volunteer is also a student and the conduct or communications:

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

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

30 (iii) Are not prohibited by law, any policies of the education provider or any applicable em-
31 ployment agreements.

32 (13) "Student" means any person:

33 (a) Who is:

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

35 (B) Twenty-one years of age or younger and receiving educational or related services from an
36 education provider that is not a post-secondary institution of education; or

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

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

43 (15) "Volunteer" means a person acting as a volunteer for an education provider in a manner
44 that requires the person to have direct, unsupervised contact with students.

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

1 339.372. Each school board shall adopt policies on the reporting of suspected abuse and sus-
2 pected sexual conduct by school employees, contractors, agents and volunteers and the reporting
3 of suspected abuse by students. The policies shall:

4 (1) Specify that abuse and sexual conduct by school employees, contractors, agents and volun-
5 teers and abuse by students are not tolerated.

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

8 (3) Require all school employees who have reasonable cause to believe that another school em-
9 ployee or a contractor, an agent or a volunteer has engaged in abuse or sexual conduct or that a
10 student has engaged in abuse to report:

11 (a) To the licensed administrator designated as provided by subsection (4) of this section all in-
12 cidents of suspected abuse or suspected sexual conduct; and

13 (b) To a law enforcement agency or the Department of Human Services as required by ORS
14 419B.010 and 419B.015 all incidents of suspected abuse, in addition to any report made as required
15 under paragraph (a) of this subsection.

16 (4) Designate a licensed administrator, and an alternate licensed administrator in the event the
17 designated licensed administrator is the suspected abuser, to:

18 (a) Receive reports of suspected abuse or suspected sexual conduct by school employees, con-
19 tractors, agents or volunteers or suspected abuse by students and specify the procedures to be fol-
20 lowed by the licensed administrator upon receipt of a report; and

21 (b) In the manner required by ORS 339.388 (2), inform [*the Teacher Standards and Practices*
22 *Commission or*] the Department of Education of reports of suspected sexual conduct received under
23 paragraph (a) of this subsection.

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

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

29 (b) A law enforcement agency or a state agency will complete an investigation regardless of any
30 changes in the relationship or duties of the person about whom the report was made; and

31 (c) An education provider will take necessary actions as provided by ORS 339.388 to ensure the
32 student's safety after a report is received, including placing a school employee on paid administra-
33 tive leave pending an investigation or prohibiting a contractor, an agent or a volunteer from pro-
34 viding services to the education provider.

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

36 (a) The name and contact information for the licensed administrator and alternate licensed ad-
37 ministrator designated for the school building to receive reports of suspected abuse or suspected
38 sexual conduct by school employees, contractors, agents and volunteers or suspected abuse by stu-
39 dents and the procedures the licensed administrator will follow upon receipt of a report; and

40 (b) The contact information for making a report of suspected abuse to a law enforcement agency
41 or the Department of Human Services as required by ORS 419B.010 and 419B.015 and a statement
42 that the duty to report abuse is in addition to any requirement to make a report to a licensed ad-
43 ministrator.

44 (7) Specify that the initiation of a report in good faith about suspected abuse or suspected sexual
45 conduct may not adversely affect any terms or conditions of employment or the work environment

1 of the person who initiated the report or who may have been subjected to abuse or sexual conduct.

2 (8) Specify that the education provider or any school employee, contractor, agent or volunteer
3 will not discipline a student for the initiation of a report in good faith about suspected abuse or
4 suspected sexual conduct by a school employee, a contractor, an agent or a volunteer or suspected
5 abuse by a student.

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

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

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

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

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

18 (11) Specify and make available to students, school employees, contractors, agents and volun-
19 teers a policy of appropriate electronic communications with students.

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

21 339.374. (1) Except as provided in ORS 339.384, before an education provider may hire an ap-
22 plicant for a position with the education provider as a school employee, the education provider shall:

23 (a) Require the applicant to provide:

24 (A) A list of the applicant's current and former employers who are education providers.

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

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

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

29 (ii) Is the subject of an ongoing investigation related to a report of suspected abuse or suspected
30 sexual conduct.

31 (b) Conduct a review of the employment history of the applicant with education providers by
32 contacting the three most recent education providers identified in paragraph (a)(A) of this sub-
33 section and requesting from each education provider:

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

35 (B) Whether the education provider conducted an investigation and determined that the appli-
36 cant was the subject of any substantiated reports of abuse or sexual conduct related to the
37 applicant's employment with the education provider and, if so, the following additional information:

38 (i) The dates of any substantiated reports;

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

41 (iii) The standards used by the education provider to determine whether any reports were sub-
42 stantiated.

43 (c) For an applicant who is a [commission] **department** licensee, request the [commission] **De-**
44 **partment of Education** to verify:

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

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

3 (d) For an applicant who is not a [commission] **department** licensee, request the department
4 [of Education] to verify whether the department has an ongoing investigation or has a substantiated
5 report relating to conduct by the applicant that may constitute sexual conduct.

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

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

9 (a) For a person who is a [commission] **department** licensee, request the [commission] **depart-**
10 **ment** to verify whether the [commission] **department** has an ongoing investigation or has a sub-
11 stantiated report relating to conduct by the person that may constitute sexual conduct.

12 (b) For a person who is not a [commission] **department** licensee, request the department [of
13 Education] to verify whether the department has an ongoing investigation or has a substantiated
14 report relating to conduct by the person that may constitute sexual conduct.

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

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

17 339.378. (1)(a) Not later than 20 days after receiving a request under ORS 339.374 (1)(b), an ed-
18 ucation provider that has or has had an employment relationship with the applicant shall disclose
19 the information requested.

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

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

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

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

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

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

33 (c) The prohibition prescribed by paragraph (a) of this subsection does not apply if the school
34 employee, contractor or agent knows, or has reasonable cause to believe:

35 (A) That the suspected abuse or suspected sexual conduct was reported to a law enforcement
36 agency, the Department of Human Services[, *the Teacher Standards and Practices Commission*] or the
37 Department of Education; and

38 (B) Any of the following are true:

39 (i) The report could be neither substantiated nor found to be unsubstantiated following an in-
40 vestigation;

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

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

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

44 (3)(a) The **Teacher Standards and Practices** Commission may take disciplinary action against
45 a school employee who is a [commission] **department** licensee for failure to disclose information as

1 required by subsection (1)(a) of this section. In determining whether to take disciplinary action, the
 2 commission may take into consideration any evidence presented by the school employee that a
 3 longer period of time was necessary for good cause.

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

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

7 339.388. (1)(a) A school employee shall immediately submit a report as provided by paragraph (b)
 8 of this subsection if the school employee has reasonable cause to believe that:

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

11 (B) A student has been subjected to sexual conduct by another school employee or by a con-
 12 tractor, an agent or a volunteer; or

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

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

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

18 (B) A law enforcement agency or the Department of Human Services as required by ORS
 19 419B.010 and 419B.015, for all reports of suspected abuse.

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

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

26 [*(b)]* notifying the Department of Education as soon as possible of any reports of suspected sex-
 27 ual conduct [*that may have been committed by a person who is not a commission licensee*].

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

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

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

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

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

37 (i) Is substantiated and the education provider takes the appropriate employment action against
 38 the school employee; or

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

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

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

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

- 1 (i) Is substantiated and the education provider takes the appropriate employment action against
2 the school employee; or
- 3 (ii) Cannot be substantiated or is not a report of sexual conduct and the education provider:
- 4 (I) Determines that an employment policy has been violated and takes appropriate employment
5 action against the school employee; or
- 6 (II) Determines that an employment policy has not been violated and that employment action
7 against the school employee is not required.
- 8 (c) When a school employee is placed on paid administrative leave under paragraph (a) of this
9 subsection, the education provider may not require the school employee to use any accrued leave
10 during the paid administrative leave.
- 11 (4)(a) Except as provided in paragraph (c) of this subsection, when a licensed administrator re-
12 ceives a report of suspected abuse or suspected sexual conduct by a contractor, an agent or a vol-
13 unteer, the education provider:
- 14 (A) May immediately prohibit the contractor, agent or volunteer from providing services to the
15 education provider.
- 16 (B) Shall prohibit the contractor, agent or volunteer from providing services to the education
17 provider if the education provider determines that there is reasonable cause to support a report of
18 abuse or sexual conduct.
- 19 (b) Except as provided in paragraph (c) of this subsection, an education provider is not required
20 to reinstate a contractor, an agent or a volunteer. Any reinstatement of a contractor, an agent or
21 a volunteer that does occur may not occur until:
- 22 (A) For a report of suspected abuse, a law enforcement agency or the Department of Human
23 Services determines that the report:
- 24 (i) Is substantiated and the education provider takes the appropriate actions to protect students;
25 or
- 26 (ii) Cannot be substantiated or is not a report of abuse and the education provider:
- 27 (I) Takes the appropriate actions to protect students; or
- 28 (II) Determines that no other actions are required to protect students.
- 29 (B) For a report of suspected sexual conduct, [*the Teacher Standards and Practices Commission*
30 *or*] the Department of Education determines that the report:
- 31 (i) Is substantiated and the education provider takes the appropriate actions to protect students;
32 or
- 33 (ii) Cannot be substantiated or is not a report of sexual conduct and the education provider:
- 34 (I) Takes the appropriate actions to protect students; or
- 35 (II) Determines that no other actions are required to protect students.
- 36 (c) If a contract under which a contractor provides services to an education provider or an
37 agreement under which an agent provides services to an education provider sets forth any negoti-
38 ated standards for the relationship between the contractor or agent and the education provider, the
39 education provider shall comply with those standards but may not in any instance grant the con-
40 tractor or agent more rights than granted to a school employee under subsection (3) of this section.
- 41 (d) Nothing in this subsection:
- 42 (A) Establishes an employment relationship between an education provider and a contractor or
43 an agent; or
- 44 (B) Confers onto a contractor or an agent any rights of employment.
- 45 (5)(a) When a report of suspected abuse or suspected sexual conduct is investigated by a law

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

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

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

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

10 (ii) Follow any protocols and procedures of entities identified in paragraph (a) of this subsection
11 that are involved in the investigation; and

12 (iii) Cooperate with the entities identified in paragraph (a) of this subsection that are involved
13 in the investigation, including by:

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

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

16 (B) Taking an employment action, based on information available to the education provider, be-
17 fore an investigation conducted by an entity identified in paragraph (a) of this subsection is com-
18 pleted.

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

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

22 (B) The education provider will take any employment actions, including disciplinary action
23 against the school employee or changes to the employment relationship or duties of the school em-
24 ployee.

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

27 (A) A law enforcement agency, the Department of Human Services[, *the Teacher Standards and*
28 *Practices Commission*] or the Department of Education; or

29 (B) The education provider, if the education provider conducts an investigation.

30 (c) A final determination by a law enforcement agency, the Department of Human Services[, *the*
31 *Teacher Standards and Practices Commission*] or the Department of Education that a report of sus-
32 pected abuse or suspected sexual conduct cannot be substantiated or is not a report of abuse or
33 sexual conduct does not:

34 (A) Relieve an education provider of the requirement to make determinations under paragraph
35 (a) of this subsection; or

36 (B) Prohibit an education provider from taking any employment actions against a school em-
37 ployee.

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

40 (A) Within 60 calendar days from the date the education provider received from a law enforce-
41 ment agency, the Department of Human Services[, *the Teacher Standards and Practices*
42 *Commission*] or the Department of Education a final determination that a report of suspected abuse
43 or suspected sexual conduct involving a school employee is a substantiated report; or

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

45 (i) Received from a law enforcement agency, the Department of Human Services[, *the Teacher*

1 *Standards and Practices Commission*] or the Department of Education a final determination that a
 2 report of suspected abuse or suspected sexual conduct involving a school employee cannot be sub-
 3 stantiated or is not a report of abuse or sexual conduct; or

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

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

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

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

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

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

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

31 (d) Inform the school employee that information about substantiated reports may be disclosed
 32 to a potential employer as provided by ORS 339.378 (1).

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

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

37 (i) The provisions of this section; or

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

41 (B) May follow the procedures described in subsection (8) of this section or may follow any ap-
 42 peals process established by the private school related to suspected abuse or suspected sexual con-
 43 duct.

44 (b) A private school that chooses to take an employment action or other action in relation to
 45 a school employee, a contractor, an agent or a volunteer according to the standards and policies

1 of the private school must provide the information required to be disclosed under ORS 339.378 (1).

2 (10) Upon request from a law enforcement agency, the Department of Human Services[, *the*
3 *Teacher Standards and Practices Commission*] or the Department of Education, in conducting an in-
4 vestigation related to suspected abuse or suspected sexual conduct, an education provider shall im-
5 mediately provide any requested documents or materials, to the extent allowed by state and federal
6 law, including laws protecting a person from self-incrimination.

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

8 339.389. (1) When the Department of Education receives from the Department of Human Services
9 notification of a report of abuse or receives a report on the outcomes of an investigation of abuse,
10 as provided by ORS 419B.019 or 419B.020, and the notification or report involves a child and a
11 person who is a school employee, contractor, agent or volunteer, the Department of Education may
12 notify, as soon as practicable, any education provider that the Department of Education determines
13 must be notified to ensure the safety of children.

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

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

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

21 (3) The Department of Education may provide information related to the notification or report
22 received as described in subsection (1) of this section to the Teacher Standards and Practices
23 Commission if the department determines that[.]

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

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

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

29 (b) Any person or entity who receives information under this section may not release the in-
30 formation, unless as otherwise provided by law.

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

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

33 339.390. (1)(a) When the [*Teacher Standards and Practices Commission*] **Department of Educa-**
34 **tion** receives a report of suspected sexual conduct that may have been committed by a
35 [*commission*] **department** licensee, the [*commission*] **department** shall immediately initiate an in-
36 vestigation.

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

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

43 (2) The [*commission*] **department** shall appoint an investigator and shall furnish the investigator
44 with appropriate professional and other special assistance reasonably required to conduct an inves-
45 tigation. An investigator appointed under this subsection is empowered to:

- 1 (a) Issue subpoenas to require the attendance of witnesses or the production of documents;
 2 (b) Subpoena witnesses; and
 3 (c) Swear witnesses and compel obedience in the same manner as provided under ORS 183.440
 4 (2).
- 5 (3)(a) Following the completion of an investigation, the investigator shall report in writing the
 6 findings and recommendations to the [*executive director of the Teacher Standards and Practices*
 7 *Commission. The executive director or the executive director's designee shall forward to the*] **Super-**
 8 **intendent of Public Instruction. The superintendent shall forward to the Teacher Standards**
 9 **and Practices** Commission the report for any investigation that concluded that a violation occurred.
- 10 (b) If, based on the findings, the [*executive director*] **superintendent** believes there is an imme-
 11 diate threat to a student, the [*executive director*] **superintendent** shall request that the commission
 12 meet in executive session.
- 13 (4) The [*executive director*] **superintendent** or the investigator shall report in writing the
 14 findings and recommendations to impose disciplinary sanctions to the commission. The commission
 15 shall decide if there is sufficient cause to justify holding a hearing under ORS 342.177.
- 16 (5) If the commission finds that there is sufficient cause to justify holding a hearing under ORS
 17 342.177, the commission shall notify in writing:
- 18 (a) The person charged, enclosing a statement of the charges and a notice of opportunity for
 19 hearing;
- 20 (b) The student and, if applicable, the student's parents;
- 21 (c) The education provider; and
- 22 (d) The person who provided the report of suspected sexual conduct.
- 23 (6) If there is not sufficient cause to justify holding a hearing under ORS 342.177, the commis-
 24 sion shall notify in writing:
- 25 (a) The person charged;
- 26 (b) The student and, if applicable, the student's parents;
- 27 (c) The education provider; and
- 28 (d) The person who provided the report of suspected sexual conduct.
- 29 (7)(a) The documents and materials used in the investigation undertaken under this section, and
 30 the report related to the investigation, are confidential and not subject to public inspection:
- 31 (A) Unless the commission makes a final determination to discipline a [*commission*] **department**
 32 licensee, as provided under ORS 342.175.
- 33 (B) Except as provided by paragraphs (b) to (d) of this subsection.
- 34 (b) Documents, materials and reports that are confidential under paragraph (a) of this subsection
 35 may be disclosed to an entity listed in paragraph (c) or (d) of this subsection only as provided by
 36 this subsection and rules adopted by **the State Board of Education and** the commission. The entity
 37 that receives documents, materials or reports must maintain their confidentiality unless disclosure
 38 is allowed or required under this section or other state or federal law.
- 39 (c) To the extent allowed by state and federal law, the **department and the** commission shall
 40 make available any documents, materials and reports that are confidential under paragraph (a) of
 41 this subsection to[:]
- 42 [(A)] a law enforcement agency or the Department of Human Services for the purpose of con-
 43 ducting an investigation under ORS 419B.005 to 419B.050[: or]
- 44 [(B) *The Department of Education for the purpose of conducting an investigation under ORS*
 45 *339.391*].

1 (d)(A) The [commission] **department** shall make available the [commission's] **department's** in-
2 vestigative report to:

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

6 (ii) The [commission] **department** licensee who is the subject of the report.

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

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

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

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

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

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

23 339.391. (1)(a) When the Department of Education receives a report of suspected sexual conduct
24 that may have been committed by a school employee, contractor, agent or volunteer that is not a
25 [commission] **department** licensee, the department shall immediately initiate an investigation.

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

30 (c) Notwithstanding paragraph (b) of this subsection, the prescribed timeline for an investigation
31 and final determination may be extended if the department determines that, for good cause, a longer
32 period of time is necessary.

33 (2) The department shall appoint an investigator and shall furnish the investigator with appro-
34 priate professional and other special assistance reasonably required to conduct an investigation. An
35 investigator appointed under this subsection is empowered to:

36 (a) Issue subpoenas to require the attendance of witnesses or the production of documents;

37 (b) Subpoena witnesses; and

38 (c) Swear witnesses and compel obedience in the same manner as provided under ORS 183.440
39 (2).

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

41 (A) The person charged;

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

44 (C) The education provider;

45 (D) The person who provided the report of suspected sexual conduct, if known by the depart-

1 ment; and

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

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

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

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

8 (A) The statutory authority of the department to conduct the investigation;

9 (B) The procedural background for the investigation;

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

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

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

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

14 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection and subsection (3) of this
15 section, the documents and materials used in the investigation undertaken under this section, and
16 the report related to the investigation, are confidential and not subject to public inspection.

17 (b) Documents, materials and reports that are confidential under paragraph (a) of this subsection
18 may be disclosed to an entity listed in paragraph (c) of this subsection, or in the manner described
19 in subsection (3) of this section, only as provided by this section and by rules adopted by the State
20 Board of Education. The person or entity that receives documents, materials or reports must main-
21 tain their confidentiality unless disclosure is allowed or required under this section or other state
22 or federal law.

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

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

27 (B) The Teacher Standards and Practices Commission if necessary for the commission to [*con-*
28 *duct an investigation under ORS 339.390 or 342.176*] **impose discipline related to a department**
29 **licensee**; and

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

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

35 (5) A person who is the subject of an investigation under this section may appeal a final deter-
36 mination that the report related to the investigation is a substantiated report as a contested case
37 under ORS chapter 183.

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

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

41 341.535. (1) Community college faculty are not required to have teaching licenses.

42 (2) Notwithstanding ORS 342.173, community college faculty who provide instruction in cooper-
43 ation with a school district for academic, career and technical education, school-to-work or other
44 work-related programs under ORS chapter 329 are not required to have teaching licenses. If the
45 faculty member is not a regular full-time employee of the community college, the school district shall

1 follow the instructor appraisal committee procedures adopted by **rule of** the Teacher Standards and
2 Practices Commission.

3 (3) Until a community college becomes accredited by the Northwest Commission on Colleges and
4 Universities or its successor, the board shall obtain the approval of the accredited community col-
5 lege with which it contracts for curriculum and instructional services before employing any person
6 to teach transfer courses.

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

8 342.120. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

17 (c) Meets the standards of the [*Teacher Standards and Practices Commission*] **State Board of**
18 **Education**, as provided by ORS 342.147.

19 (4) “Approved educator preparation provider” means a sponsor or provider of an educator
20 preparation program that meets the standards of the [*Teacher Standards and Practices Commission*]
21 **State Board of Education**, as provided by ORS 342.147.

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

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

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

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

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

32 (6) “Instruction” includes preparation of curriculum, assessment and direction of learning in
33 class, in small groups, in individual situations, online, in the library and in guidance and counseling,
34 but does not include the provision of related services, as defined in ORS 343.035, to a child identified
35 as a child with a disability pursuant to ORS 343.146 to 343.183 when provided in accordance with
36 ORS 343.221.

37 (7) “Instructional assistant” means a classified school employee who does not require a license
38 to teach, who is employed by a school district or education service district and whose assignment
39 consists of and is limited to assisting a licensed teacher in accordance with rules established by the
40 Teacher Standards and Practices Commission.

41 (8) “Teacher” includes all licensed employees in the public schools or employed by an education
42 service district who have direct responsibility for instruction or coordination of educational pro-
43 grams and who are compensated for their services from public funds. “Teacher” does not include a
44 school nurse as defined in ORS 342.455 or an instructional assistant.

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

1 (10) "Underrepresented person" means:

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

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

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

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

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

9 342.121. (1) The [*Teacher Standards and Practices Commission*] **Department of Education** shall
10 issue licenses to teachers and administrators who possess the minimum competencies, knowledge
11 and skills to teach and administer in the public schools of this state.

12 (2) In addition to a teaching or administrative license, a person may obtain professional certi-
13 fication, indicating a higher degree of competency, knowledge and skill based on work experience
14 and advanced study, from a professional organization of teachers or administrators on the national
15 level. A professional teaching certificate or administrative certificate is not required to teach or
16 administer in a public school of this state.

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

18 342.122. (1) There is created the National Board Certification Fund, separate and distinct from
19 the General Fund. Interest earned on moneys in the National Board Certification Fund shall be
20 credited to the fund.

21 (2) The National Board Certification Fund shall include any state or federal moneys made
22 available to the fund, including moneys appropriated by the Legislative Assembly and federal mon-
23 eys made available to improve teacher quality through professional development. The [*Teacher*
24 *Standards and Practices Commission*] **Department of Education** may accept from any source any
25 grant, donation or gift of money or other valuable thing made to the [*commission*] **department** for
26 purposes of the fund.

27 (3) Moneys credited to the National Board Certification Fund are continuously appropriated to
28 the [*commission*] **department** for the purposes set forth in subsections (4) and (5) of this section.
29 The [*commission*] **department** may draw checks or orders upon the State Treasurer in making dis-
30 bursements from the fund for the purposes stated in this subsection.

31 (4) Moneys in the National Board Certification Fund shall be used to encourage at least 150
32 public school teachers in this state to apply for and attain certification each biennium through the
33 National Board for Professional Teaching Standards or any other national professional organization
34 for teaching standards designated by the [*Teacher Standards and Practices Commission*] **State Board**
35 **of Education by rule.**

36 (5) The [*Teacher Standards and Practices Commission*] **department** may disburse moneys from
37 the National Board Certification Fund to applicants for assistance with the direct costs of seeking
38 and obtaining national board certification, including reimbursement for the costs of each of the
39 components necessary for certification and reimbursement for costs related to participating in a
40 cohort for certification. The [*commission*] **department** may retain no more than 10 percent of all
41 moneys received under this section during a biennium from state and federal sources for the purpose
42 of paying administrative expenses incurred by the [*commission*] **department** under this subsection.

43 (6) The [*Teacher Standards and Practices Commission*] **State Board of Education** shall adopt
44 rules that govern the disbursement of moneys from the National Board Certification Fund consistent
45 with this section, including requirements that recipients of disbursements must be licensed by the

1 [commission] **department** and employed with a public educational program in this state.

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

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

7 (a) Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and
8 other relevant federal and state statutes prohibiting discrimination; and

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

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

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

14 342.125. (1) Teaching licenses shall be issued and renewed by the [*Teacher Standards and Prac-*
15 *tices Commission*] **Department of Education** by the authority of the State of Oregon, subject to
16 ORS 342.120 to 342.430 and the rules of the **Teacher Standards and Practices Commission and**
17 **the State Board of Education.**

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

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

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

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

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

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

33 (a) Preliminary teaching license.

34 (b) Professional teaching license.

35 (c) Distinguished teacher leader license.

36 (d) Preliminary personnel service license.

37 (e) Professional personnel service license.

38 (f) Preliminary administrative license.

39 (g) Professional administrative license.

40 (h) Reciprocal license.

41 (i) Legacy license.

42 (4) The [*Teacher Standards and Practices*] commission may establish other types of teaching li-
43 censes as the commission considers necessary for operation of the public schools of the state and
44 may prescribe the qualifications for the licenses. However, no license established under the au-
45 thority of this subsection is required for a regular classroom teaching position in the public schools.

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

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

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

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

13 (C) Documentation as required by the [*commission*] **department** for the purposes of conducting
 14 a criminal records check as provided in ORS 181A.195 and a background check through an inter-
 15 state clearinghouse of revoked and suspended licenses.

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

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

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

30 (7)(a) The Teacher Standards and Practices Commission shall adopt **by rule** an expedited pro-
 31 cess for the issuance of any license established pursuant to this section. The expedited process may
 32 require the following:

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

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

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

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

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

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

42 (c) The commission may limit the number of applications the [*commission*] **department** will ac-
 43 cept under this subsection from a school district or an education service district to not more than
 44 100 applications in a period of two working days.

45 (d) For purposes of this subsection, the [*commission*] **department** may not distinguish between

1 a school district or an education service district involved in a labor dispute and any other school
2 district or education service district.

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

4 342.127. (1) The *[Teacher Standards and Practices Commission shall establish and]* **State Board**
5 **of Education shall establish by rule and the Department of Education shall** collect:

6 (a) A fee not to exceed \$350 for evaluation of the initial application for each educator license
7 for which application is made. If the applicant is eligible for the educator license for which appli-
8 cation is made, the *[commission]* **department** shall issue the license without additional charge.

9 (b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed
10 \$50 for each official paper license. If the educator is certified by a national professional organization
11 for teaching standards *[recognized by the commission]* **designated by the State Board of Education**
12 **by rule**, the *[commission]* **department** shall renew the license without charge.

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

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

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

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

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

27 (4) In addition to the fees required by subsection (1) of this section, the *[commission]* **depart-**
28 **ment** shall collect a late application fee not to exceed \$350 for the reinstatement of an expired li-
29 cense. The requirements for reinstatement and the actual amount of the fee shall be determined in
30 accordance with rules of the *[commission]* **board**.

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

34 (6) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
35 cator license, the *[commission]* **department** shall collect a fee not to exceed \$1,000 for the rein-
36 statement of a license that has been suspended or revoked by the *[commission]* **department** for gross
37 neglect of duty or gross unfitness under ORS 342.175.

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

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

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

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

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

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

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

14 **(5) Nothing in this 2024 Act is intended to invalidate the life of any teaching, adminis-**
 15 **trative or personnel service license in effect prior to the effective date of this 2024 Act, or**
 16 **to alter the rights and privileges granted prior to the effective date of this 2024 Act, by the**
 17 **law under which the license was issued.**

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

19 342.136. (1) A preliminary teaching license, personnel service license or administrative license
 20 shall qualify its holder to accept any assignment from preprimary through grade 12 for which the
 21 holder has completed the requirements established by the rules of the Teacher Standards and Prac-
 22 tices Commission.

23 (2) A preliminary teaching license, personnel service license or administrative license shall be
 24 issued on application to an otherwise qualified applicant who has completed an approved profes-
 25 sional education program and meets such other requirements as the commission may consider nec-
 26 essary to maintain and improve the quality of instruction in the public schools of the state.

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

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

31 (b) Must be under the direction of:

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

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

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

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

40 (iii) Is trained to supervise the applicant during the applicant's supervised clinical practice ex-
 41 perience and to work in partnership with the applicant's supervisor from an approved educator
 42 preparation program; and

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

44 (4) A preliminary teaching license, personnel service license or administrative license may be
 45 renewed if the applicant meets the requirements established by the commission by rule.

1 (5) The [*commission*] **department** shall develop a process that allows a teacher holding a pre-
 2 liminary teaching license to continually renew the preliminary teaching license based on the com-
 3 pletion of requirements established by the rules of the commission if the teacher does not qualify for
 4 a professional teaching license due to lack of employment.

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

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

9 (2) A distinguished teacher leader license shall be issued on application to an otherwise quali-
 10 fied person who:

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

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

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

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

17 (3) A distinguished teacher leader license may be renewed if the applicant meets the require-
 18 ments established by the commission by rule.

19 (4) The commission shall develop [*a process*] **by rule the standards** by which a teacher holding
 20 a distinguished teacher leader license is automatically issued a professional teaching license upon
 21 nonrenewal of a distinguished teacher leader license if the teacher meets the requirements for a
 22 professional teaching license.

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

24 342.138. (1) A professional teaching license, a professional personnel service license or a pro-
 25 fessional administrative license qualifies the holder to accept any assignments for preprimary
 26 through grade 12 for which the holder has completed the advanced requirements established by the
 27 rules of the Teacher Standards and Practices Commission.

28 (2) A professional teaching license, a professional personnel service license or a professional
 29 administrative license shall be issued on application to an otherwise qualified person who has:

30 (a) Completed an advanced professional education program approved by the [*commission*] **De-**
 31 **partment of Education;**

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

34 (c) Demonstrated minimum competencies, knowledge and skills required for the professional
 35 teaching license, professional personnel service license or professional administrative license
 36 through an approved educator preparation provider, school district, professional organization de-
 37 scribed in ORS 342.121, or professional assessment approved by the [*commission*] **department.**

38 (3) The holder of a professional teaching license, professional personnel service license or pro-
 39 fessional administrative license may renew the license in accordance with the rules of the commis-
 40 sion.

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

42 342.143. (1) A teaching, personnel service or administrative license, or public charter school
 43 registration, may not be issued to any person until the person has attained the age of 18 years and
 44 has furnished satisfactory evidence of proper educational training.

45 (2) The Teacher Standards and Practices Commission **by rule** may require an applicant for a

1 teaching, personnel service or administrative license or for registration as a public charter school
 2 teacher or administrator to furnish evidence satisfactory to the [*commission*] **Department of Edu-**
 3 **cation** of good moral character, mental and physical health, and such other evidence as the com-
 4 mission may deem necessary to establish the applicant's fitness to serve as a teacher or
 5 administrator.

6 (3) Without limiting the powers of the [*Teacher Standards and Practices*] commission **or de-**
 7 **partment** under subsection (2) of this section:

8 (a) A teaching, personnel service or administrative license, or a public charter school registra-
 9 tion, may not be issued to any person who:

10 (A) Has been convicted of a crime listed in ORS 163.095, 163.107, 163.115, 163.185, 163.235,
 11 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432,
 12 163.433, 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replace-
 13 ment Part), 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415,
 14 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808,
 15 475.810, 475.812, 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872,
 16 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

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

19 (C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as
 20 defined by rule, to any of the crimes listed in subparagraphs (A) and (B) of this paragraph.

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

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

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

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

31 (4) In denying the issuance of a license or registration under this section, the [*commission*] **de-**
 32 **partment** shall follow the procedure set forth in ORS 342.176 and 342.177.

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

34 342.144. (1) As used in this section, "American Indian tribe" means an Indian tribe as that term
 35 is defined in ORS 97.740.

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

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

40 (4) Each American Indian tribe may develop a written and oral test that must be successfully
 41 completed by an applicant for an American Indian languages teaching license in order to determine
 42 whether the applicant is qualified to teach the tribe's native language. When developing the test, the
 43 tribe shall determine:

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

45 (b) Whether the tribe will standardize the tribe's writing system; and

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

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

4 (6) The commission may not require an applicant to hold a specific academic degree, to complete
5 a specific amount of education or to complete an educator preparation program to receive an
6 American Indian languages teaching license.

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

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

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

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

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

30 (9) An American Indian languages teaching license shall be valid for a term established by the
31 commission **by rule** and may be renewed upon application from the holder of the license.

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

33 342.147. (1)(a) The [Teacher Standards and Practices Commission] **State Board of Education,**
34 **taking into consideration recommendations of the Teacher Standards and Practices Com-**
35 **mission and the Educator Advancement Council,** shall establish by rule standards for approval
36 of educator preparation providers and educator preparation programs.

37 (b) Standards for approval of an educator preparation program must include requiring an edu-
38 cator preparation program to evaluate candidates using a framework approved by the [commission]
39 **board** that:

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

42 (B) Includes at least one measure that is locally determined and adopted by the educator prep-
43 aration provider, and that is then approved by the [commission] **board.**

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

1 (A) The program provide instruction on dyslexia and other reading difficulties; and

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

4 (2) The *[commission]* **board, taking into consideration recommendations of the commission**
5 **and the council**, shall adopt rules that:

6 (a) Require approved educator preparation programs for early childhood education, elementary
7 education, special education or reading to demonstrate that candidates enrolled in the programs
8 receive training to provide instruction that enables students to meet or exceed third-grade reading
9 standards and become proficient readers by the end of the third grade, as designated by the *[State*
10 *Board of Education]* **board**. For the purposes of this paragraph, an approved educator preparation
11 program may make the demonstration through course curriculum, approved textbooks or other pro-
12 gram requirements.

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

16 (3) Whenever any educator preparation provider or educator preparation program is denied ap-
17 proved status or has such status withdrawn, the denial or withdrawal must be treated as a contested
18 case under ORS chapter 183.

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

24 **SECTION 34.** ORS 342.147, as amended by section 8, chapter 756, Oregon Laws 2015, section
25 2, chapter 317, Oregon Laws 2017, section 9, chapter 518, Oregon Laws 2021, and section 2, chapter
26 637, Oregon Laws 2021, is amended to read:

27 342.147. (1) The *[Teacher Standards and Practices Commission]* **State Board of Education,**
28 **taking into consideration recommendations of the Teacher Standards and Practices Com-**
29 **mission and the Educator Advancement Council**, shall establish by rule standards for approval
30 of educator preparation providers and educator preparation programs.

31 (2) Standards for approval of an educator preparation provider may allow approval of an insti-
32 tution of higher education, a school district in this state, an education service district in this state
33 or any other entity in this state that sponsors or provides an educator preparation program.

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

35 (A) Requiring an educator preparation program to be accredited by a national organization that
36 represents teachers, policymakers and teacher educators and that provides accreditation based on
37 nationally recognized standards and on evidence-based measures;

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

42 (C) Requiring an educator preparation program to evaluate candidates using a framework ap-
43 proved by the *[commission]* **board** that:

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

1 (ii) Includes at least one measure that is locally determined and adopted by the educator prep-
2 aration provider, and that is then approved by the [commission] **board**.

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

5 (A) The program provide instruction on dyslexia and other reading difficulties; and

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

8 (4)(a) Notwithstanding subsection (3)(a)(A) of this section, standards for approval of an educator
9 preparation program may allow an educator preparation program to operate provisionally without
10 accreditation by a national organization if the educator preparation program is:

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

12 (B) A nontraditional pathway to licensure program offered by an educator preparation provider,
13 regardless of whether the educator preparation provider is accredited.

14 (b) A nontraditional pathway to licensure program shall be considered an approved educator
15 preparation program, **as determined by the Department of Education**, if the nontraditional
16 pathway to licensure program complies with standards established by the [commission] **board, tak-**
17 **ing into consideration recommendations of the commission and the council**. The [commission]
18 **board** shall establish standards for nontraditional pathway to licensure programs that:

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

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

23 (C) Require the proposed nontraditional pathway to licensure program to submit to the [com-
24 mission] **department** a preoperational capacity review from a national accrediting organization that
25 is approved by the [commission] **board by rule**.

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

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

28 (ii) Prohibit a candidate from being employed as an educator while participating in the program.

29 (B) Nothing in this subsection prevents an accredited educator preparation provider from offer-
30 ing a nontraditional pathway to licensure.

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

34 (5) The [commission] **board, taking into consideration recommendations of the commission**
35 **and the council**, shall adopt rules that:

36 (a) Require approved educator preparation programs for early childhood education, elementary
37 education, special education or reading to demonstrate that candidates enrolled in the programs
38 receive training to provide instruction that enables students to meet or exceed third-grade reading
39 standards and become proficient readers by the end of the third grade, as designated by the [State
40 Board of Education] **board**. For the purposes of this paragraph, an approved educator preparation
41 program may make the demonstration through course curriculum, approved textbooks or other pro-
42 gram requirements.

43 (b) Allow approved educator preparation programs leading to graduate degrees to commence
44 prior to the candidate's completion of baccalaureate degree requirements and to combine under-
45 graduate and graduate level course work in achieving program completion.

1 (6) Whenever any educator preparation provider or educator preparation program is denied ap-
 2 proved status or has such status withdrawn, the denial or withdrawal must be treated as a contested
 3 case under ORS chapter 183.

4 (7) Nothing in this section is intended to grant to the [*Teacher Standards and Practices Com-*
 5 *mission*] **State Board of Education or the Department of Education** any authority relating to
 6 granting degrees or establishing degree requirements that are within the authority of the Higher
 7 Education Coordinating Commission or any of the public universities listed in ORS 352.002, or that
 8 are within the authority of the governing board of any private institution of higher education.

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

10 **Sec. 9a.** (1) Notwithstanding the operative date set forth in section 2, chapter 756, Oregon Laws
 11 2015, as amended by section 9, chapter 756, Oregon Laws 2015, and section 25, chapter 72, Oregon
 12 Laws 2018, the [*Teacher Standards and Practices Commission*] **State Board of Education and the**
 13 **Department of Education** may take any action before the operative date identified by this sub-
 14 section that is necessary for the [*commission*] **board and department** to exercise, on and after the
 15 operative date identified by this subsection, all of the duties, functions and powers conferred on the
 16 [*commission*] **board and department** by the amendments to ORS 342.147 by section 9 [*of this 2021*
 17 *Act*], **chapter 518, Oregon Laws 2021.**

18 (2) For the purpose of ensuring that the [*Teacher Standards and Practices Commission*] **board**
 19 **and department** may exercise, on and after the operative date identified by subsection (1) of this
 20 section, all of the duties, functions and powers conferred on the [*commission*] **board and depart-**
 21 **ment** by the amendments to ORS 342.147 by section 9 [*of this 2021 Act*], **chapter 518, Oregon Laws**
 22 **2021**, the [*commission*] **board and department** shall develop and implement a plan for the imple-
 23 mentation of the amendments to ORS 342.147 by section 9 [*of this 2021 Act*], **chapter 518, Oregon**
 24 **Laws 2021, and section 34 of this 2024 Act.** The plan must:

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

27 (b) Prioritize increasing:

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

29 (B) Educator diversity; and

30 (C) Educator retention.

31 [(3) *No later than January 1, 2023, the Teacher Standards and Practices Commission, in collab-*
 32 *oration with the Educator Advancement Council and the Department of Education, shall report to the*
 33 *appropriate interim committees of the Legislative Assembly. The report shall address the progress on*
 34 *the plan required to be developed and implemented as provided by subsection (2) of this section.*]

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

37 **Sec. 4.** (1) The Teacher Education Program Accreditation Account is established in the State
 38 Treasury, separate and distinct from the General Fund. Interest earned by the Teacher Education
 39 Program Accreditation Account shall be accredited to the account.

40 (2) Moneys in the Teacher Education Program Accreditation Account are continuously appro-
 41 priated to the [*Teacher Standards and Practices Commission*] **Department of Education** to award
 42 grants to educator preparation programs for the purpose of having the programs accredited by the
 43 organization described in ORS 342.147 (3)(a)(A), as amended by section 8, chapter 756, Oregon Laws
 44 2015, section 2, chapter 317, Oregon Laws 2017, [*and*] section 9 [*of this 2021 Act*], **chapter 518,**
 45 **Oregon Laws 2021, and section 34 of this 2024 Act.**

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

2 342.153. (1) Any applicant for a teaching license to provide education to students who are blind,
3 as defined in ORS 343.565, shall be required to demonstrate proficiency in reading and writing
4 Braille, as defined in ORS 343.565.

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

8 (3) The Teacher Standards and Practices Commission **by rule** shall adopt procedures to assess
9 the proficiencies developed through workshops and courses in grade I and grade II Braille that are
10 consistent with standards set by the National Library Service for the Blind and Physically Hand-
11 icapped at the Library of Congress.

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

13 342.165. (1) Pursuant to ORS chapter 183, the Teacher Standards and Practices Commission shall
14 adopt rules necessary for the issuance, denial, continuation, renewal, lapse, revocation, suspension
15 or reinstatement of licenses or registrations issued **by the Department of Education** under ORS
16 342.120 to 342.430. The commission shall also adopt rules establishing means in addition to those
17 prescribed by law whereby teachers are able to add additional endorsements to their teaching li-
18 censes.

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

- 20 (a) Its responsibilities to represent the public interest in the development of educational policies;
- 21 (b) The capabilities of Oregon educator preparation providers to prepare educators;
- 22 (c) The norms required for the educator assignments;
- 23 (d) The improvement of teaching and student learning;
- 24 (e) The adequacy of the supply of licensed educators;
- 25 (f) The value of experience or nonacademic learning;
- 26 (g) The responsibilities imposed upon school districts by geographic and demographic conditions;

27 and

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

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

30 342.173. Any school district or education service district that employs any person not properly
31 licensed or registered by the [*Teacher Standards and Practices Commission*] **Department of Edu-**
32 **cation**, or licensed by the [*commission*] **department** but not assigned in accordance with rules of
33 the **Teacher Standards and Practices** Commission, shall be subject to sanctions imposed by the
34 commission. A sanction must be imposed according to rules adopted by the commission and is ef-
35 fective unless:

36 (1) The assignment is made with justification satisfactory to the commission.

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

42 (a) Be for a specific instructional assignment for which the district does not have appropriately
43 licensed personnel either on staff or available to be placed on staff after a reasonably diligent
44 search;

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

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

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

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

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

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

7 342.175. (1) **As provided by** the Teacher Standards and Practices Commission **by rule, the**
 8 **Department of Education** may suspend or revoke the license or registration of a [*commission*]
 9 **department** licensee, discipline a [*commission*] **department** licensee, or suspend or revoke the right
 10 of any person to apply for a license or registration based on the following:

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

12 (b) Gross neglect of duty;

13 (c) Any gross unfitness;

14 (d) Conviction of a crime for violating any law of this state or any state or of the United States
 15 involving the illegal use, sale or possession of controlled substances;

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

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

19 (g) Failure to comply with any condition of reinstatement under subsection (4) of this section
 20 or any condition of probation under ORS 342.177 (3)(b).

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

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

26 (b) Conviction of a crime for violating any law of this state or any state or of the United States
 27 involving the illegal use, sale or possession of controlled substances; or

28 (c) Any conduct that may cause the commission to issue a public reprimand for a [*commission*]
 29 **department** licensee or to suspend or revoke the license or registration of a [*commission*] **depart-**
 30 **ment** licensee.

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

34 (4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (5)
 35 of this section, any person whose license or registration has been revoked, or whose right to apply
 36 for a license or registration has been revoked, may apply to the [*commission*] **department** for rein-
 37 statement of the license or registration after one year from the date of the revocation.

38 (b) Any person whose license or registration has been suspended, or whose right to apply for a
 39 license or registration has been suspended, may apply to the [*commission*] **department** for rein-
 40 statement of the license or registration.

41 (c) The commission **by rule** may require an applicant for reinstatement to furnish evidence sat-
 42 isfactory to the [*commission*] **department** of good moral character, mental and physical health and
 43 such other evidence as the commission may consider necessary to establish the applicant's fitness.
 44 The [*commission*] **department** may impose a probationary period and such conditions as the [*com-*
 45 *mission*] **department** considers necessary upon approving an application for reinstatement.

1 (5) The [commission] **department** shall reconsider immediately a license or registration suspen-
 2 sion or revocation or the situation of a person whose right to apply for a license or registration has
 3 been revoked, upon application therefor, when the license or registration suspension or revocation
 4 or the right revocation is based on a criminal conviction that is reversed on appeal.

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

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

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

10 342.176. (1)(a) A person may file a complaint with the [*Teacher Standards and Practices Com-*
 11 *mission*] **Department of Education** regarding a [commission] **department** licensee. If a complaint
 12 concerns an allegation of sexual conduct that may have been committed by a [commission] **depart-**
 13 **ment** licensee, the complaint process provided by this section does not apply and the [commission]
 14 **department** shall investigate the complaint as provided by ORS 339.390.

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

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

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

25 (B) Suspension or revocation of a license or registration, discipline of a [commission] **depart-**
 26 **ment** licensee, or suspension or revocation of the right to apply for a license or registration, as
 27 provided under ORS 342.175; or

28 (C) Discipline for failure to provide appropriate notice prior to resignation, as provided under
 29 ORS 342.553.

30 (2) The [commission] **department** may appoint an investigator and shall furnish the investigator
 31 with appropriate professional and other special assistance reasonably required to conduct the in-
 32 vestigation, and the investigator is empowered to issue subpoenas to require the attendance of wit-
 33 nesses or the production of documents [*over the signature of the executive director of the Teacher*
 34 *Standards and Practices Commission*], subpoena witnesses [*over the signature of the executive*
 35 *director*], swear witnesses and compel obedience in the same manner as provided under ORS 183.440
 36 (2).

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

39 (a) Forward to the **Teacher Standards and Practices** Commission a report related to any in-
 40 vestigation that concluded that a violation occurred under ORS 342.143, 342.175 or 342.553; or

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

43 (4) If a report is to be forwarded to the commission as described in subsection (3) of this section,
 44 the [*executive director or the executive director's designee*] **superintendent** shall report in writing the
 45 findings and recommendations to impose disciplinary sanctions to:

1 (a) The commission, meeting in executive session, at its next regular meeting following com-
2 pletion of the investigation; and

3 (b) The person against whom the charge is made, following consideration by the commission.

4 (5)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used
5 in the investigation undertaken as provided by this section and the report related to the investi-
6 gation are confidential and not subject to public inspection unless the commission makes a final
7 determination to:

8 (A) Refuse to issue a license or registration, as provided under ORS 342.143;

9 (B) Suspend or revoke a license or registration, discipline a [*commission*] **department** licensee,
10 or suspend or revoke the right to apply for a license or registration, as provided under ORS 342.175;
11 or

12 (C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided
13 under ORS 342.553.

14 (b) Records made available to the **department or** commission under ORS 419B.035 (1)(h) shall
15 be kept confidential.

16 (6) If the commission finds from the report that there is sufficient cause to justify holding a
17 hearing under ORS 342.177, the commission shall notify in writing:

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

20 (b) The complainant; and

21 (c) The employing district or public charter school, if any.

22 (7) If there is not sufficient cause to justify holding a hearing under ORS 342.177, the commis-
23 sion shall notify in writing:

24 (a) The person charged;

25 (b) The complainant; and

26 (c) The employing district or public charter school, if any.

27 (8) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section
28 in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions.

29 **SECTION 42.** ORS 342.177 is amended to read:

30 342.177. (1)(a) Hearings under ORS 339.390 and 342.176 shall be conducted by an administrative
31 law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

32 (b) Any hearing conducted under this section shall be private unless the person against whom
33 the charge is made requests a public hearing. Students attending school in the employing district
34 may not attend any hearing except as witnesses duly subpoenaed to testify with respect to the
35 charges made. Students attending a public charter school that employs the person may not attend
36 any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. The
37 person charged shall have the right to be represented by counsel and to present evidence and ar-
38 gument. The evidence must be confined to the charges.

39 (2) The Teacher Standards and Practices Commission or the person charged may have subpoenas
40 issued to compel attendance at the hearing. The person charged may have subpoenas issued by an
41 attorney of record subscribed by the signature of the attorney or by the [*executive director of the*
42 *Teacher Standards and Practices Commission*] **Superintendent of Public Instruction**. Witnesses
43 appearing pursuant to subpoena, other than the parties or officers or employees of the commission,
44 shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission
45 or the person charged shall have the right to compel the attendance and obedience of witnesses in

1 the same manner as provided under ORS 183.440 (2).

2 (3) The commission shall render its decision at its next regular meeting following the hearing.
3 If the decision of the commission is that the charge described in ORS 342.175 (1) has been proven,
4 the commission may take any or all of the following disciplinary action against the person charged:

5 (a) Issue a public reprimand.

6 (b) Place the person on probation for a period not to exceed four years and subject to such
7 conditions as the commission considers necessary.

8 (c) Suspend the license or registration of the teacher or administrator for a period not to exceed
9 one year.

10 (d) Revoke the license or registration of the teacher or administrator.

11 (e) Revoke the right to apply for a license or registration.

12 (4) If the decision of the commission is that the charge is not proven, the commission shall order
13 the charges dismissed.

14 (5) The commission shall notify in writing the person charged and the employing district or
15 public charter school of the decision.

16 **SECTION 43.** ORS 342.183 is amended to read:

17 342.183. (1) The Teacher Standards and Practices Commission may issue a letter of informal re-
18 proval to a person licensed, registered or certified by the [*commission*] **Department of Education**
19 if:

20 (a) Following the completion of an investigation **by the department**, the commission determines
21 that the person has engaged in conduct that affects the person's ability to be professionally effective,
22 based on standards adopted by the commission by rule; and

23 (b) Subject to subsection (5) of this section, the commission agrees not to pursue disciplinary
24 action against the person under ORS 342.175 and the person agrees to the terms of the letter of
25 informal reapproval, including a monitoring period.

26 (2) A letter of informal reapproval issued as provided by subsection (1) of this section shall es-
27 tablish the terms of a monitoring period for the person to whom the letter is issued.

28 (3) Upon the issuance of a letter of informal reapproval, the commission shall notify the employer
29 of the person to whom the letter is issued, including any terms of the letter that the employer may
30 need to know to assist the person in complying with the terms of the letter.

31 (4) A letter of informal reapproval issued as provided by subsection (1) of this section:

32 (a) Is confidential; and

33 (b) Except when a disciplinary action is taken as provided in subsection (5) of this section, may
34 not be posted on an interstate clearinghouse related to educator license sanctions.

35 (5) If a person fails to comply with the terms of a letter of informal reapproval, the commission
36 may take disciplinary action against the person based on one or both of the following:

37 (a) The conduct underlying the letter of informal reapproval; or

38 (b) The failure to comply with the terms of the letter of informal reapproval.

39 (6) If the [*executive director of the Teacher Standards and Practices Commission*] **Superintendent**
40 **of Public Instruction** determines that a person failed to meet the terms of a letter of informal re-
41 proval, the [*executive director*] **superintendent** shall report the failure to the commission for the
42 commission to make a final determination pursuant to ORS 339.390 or 342.176.

43 (7) The documents and materials used in an investigation for the purposes of this section are
44 confidential and are not subject to public inspection unless the commission makes a final determi-
45 nation to discipline the person pursuant to ORS 342.175.

1 **SECTION 44.** ORS 342.192 is amended to read:

2 342.192. (1) The [*Teacher Standards and Practices Commission*] **Department of Education** may
3 issue a license to an out-of-state applicant if the applicant has met the professional requirements
4 established by rule by the **Teacher Standards and Practices** Commission and has completed a
5 course of study that is acceptable to the [*commission*] **department based on commission rule.**

6 (2) Applicants granted licenses under this section shall be required to meet all standards re-
7 quired of Oregon teachers, including the requirements of ORS 342.123, not later than two years
8 following the date of initial granting of the license.

9 **SECTION 45.** ORS 342.195 is amended to read:

10 342.195. (1) An otherwise qualified applicant for a preliminary teaching license shall be granted
11 the license upon payment of the required fees and the showing by proof satisfactory to the [*Teacher*
12 *Standards and Practices Commission*] **Department of Education** that:

13 (a) While the applicant was in the Peace Corps program or was a volunteer under section 603
14 of the Economic Opportunity Act of 1964 (Public Law 88-452), the applicant:

15 (A) Completed two years of satisfactory service that emphasized teaching in any preprimary
16 program or in any grade 1 through 12 in subjects regularly taught in public schools; and

17 (B)(i) Has completed an approved educator preparation program; or

18 (ii) Has earned at least a baccalaureate degree from an accredited institution of higher educa-
19 tion and has completed a teacher training program provided under the auspices of the federal pro-
20 gram; or

21 (b) The applicant was a certified instructor for the Armed Forces of the United States, if the
22 applicant provides the [*commission*] **department** with documentation of military training or experi-
23 ence that the [*commission*] **department** determines is substantially equivalent to the training re-
24 quired for a preliminary teaching license.

25 (2)(a) The **Teacher Standards and Practices** Commission shall establish by rule an expedited
26 process by which a military spouse or domestic partner who is licensed to teach in another state
27 may apply for and obtain a teaching license.

28 (b) As used in this subsection, “military spouse or domestic partner” means a spouse or domestic
29 partner of an active member of the Armed Forces of the United States who is the subject of a mil-
30 itary transfer to Oregon.

31 **SECTION 46.** ORS 342.200 is amended to read:

32 342.200. In order to allow the school districts of the state to take full advantage of various
33 professional skills and disciplines not directly developed through teaching experience or professional
34 education for which teaching experience is a prerequisite, it is the public policy of the State of
35 Oregon that the [*Teacher Standards and Practices Commission*] **Department of Education**, when
36 considering an applicant for an administrative license, shall consider professional skills, education
37 and experience not directly related to, nor contingent upon, teaching experience or training as a
38 classroom teacher.

39 **SECTION 47.** ORS 342.202 is amended to read:

40 342.202. (1) The Department of Education, in partnership with the Teacher Standards and Prac-
41 tices Commission, shall create a comprehensive leadership development system for administrators
42 licensed under ORS 342.125.

43 (2) The comprehensive leadership development system must include:

44 (a) A cost-effective plan that requires the coordination of public and private organizations and
45 resources to:

1 (A) Improve the success of this state's highest needs students;

2 (B) Provide research and technical assistance to schools seeking to adopt or enhance evidence-
3 based leadership practices;

4 (C) Recruit underrepresented persons into the field of public school leadership; and

5 (D) Strengthen the capacity of administrators to improve education in public schools in this
6 state;

7 (b) A plan for collaboration and continuous improvement among administrator preparation pro-
8 grams approved by the [*Teacher Standards and Practices Commission*] **department** to support
9 performance-based assessments for administrators and candidates for administrative licensure;

10 (c) A plan for recruitment of underrepresented persons into administrator leadership programs;

11 (d) The improvement of access to high quality preparation and professional development for ad-
12 ministrators working in rural school districts;

13 (e) A method for disseminating evidence-based practices to support the development of effective
14 principals and teachers; and

15 (f) A method for providing research and technical assistance to school districts to encourage the
16 placement of the most highly effective teachers in the highest need schools.

17 **SECTION 48.** ORS 342.203 is amended to read:

18 342.203. (1) The [*Teacher Standards and Practices Commission*] **Department of Education** shall
19 regularly publish information online that can be accessed by school districts, public charter schools
20 and education service districts and that includes the following:

21 (a) All teachers and administrators whose teaching or administrative licenses have been sus-
22 pended or revoked or who have been reprimanded or placed on probation during the preceding 12
23 months.

24 (b) All candidates enrolled in approved educator preparation programs under ORS 342.147 whose
25 right to apply for a license or registration has been suspended or revoked during the preceding 12
26 months.

27 (2) If the decision of the **Teacher Standards and Practices** Commission is appealed under ORS
28 342.180, the name of the teacher, administrator or candidate shall not be published online under
29 subsection (1) of this section unless and until such decision has been sustained by the Court of Ap-
30 peals or until the appeal has been dropped.

31 **SECTION 49.** ORS 342.223 is amended to read:

32 342.223. (1) For the purpose of requesting a state or nationwide criminal records check under
33 ORS 181A.195, the [*Teacher Standards and Practices Commission*] **Department of Education** may
34 require the fingerprints of:

35 (a) A person who is applying for a license or registration under ORS 342.120 to 342.430 as a
36 teacher, administrator or personnel specialist if the person has not submitted to a criminal records
37 check by the [*commission*] **department** within the previous three years or has remained contin-
38 uously licensed by or registered with the [*commission*] **department** for a different license or regis-
39 tration for which the person already has submitted to a criminal records check by the
40 [*commission*] **department**.

41 (b) A person who is applying for reinstatement of a license or registration as a teacher, admin-
42 istrator or personnel specialist, or a certificate as a school nurse, whose license, registration or
43 certificate has lapsed for at least three years.

44 (c) A person who is applying for a certificate under ORS 342.475 as a school nurse.

45 (d) A person who is registering with the [*commission*] **department** for supervised clinical prac-

1 tice experience, practicum or internship as a teacher, administrator or personnel specialist, if the
 2 person does not hold a current license issued by the [commission] **department** and has not submit-
 3 ted to a criminal records check by the [commission] **department** within the previous three years for
 4 student teaching, practicum or internship as a teacher, administrator or personnel specialist.

5 (e) A person who is applying for a registration as a public charter school teacher or adminis-
 6 trator under ORS 342.125.

7 (2) The making of any false statement as to the conviction of a crime is grounds for refusal to
 8 issue, renew or reinstate a license, certificate or registration and is in addition to the grounds stated
 9 in ORS 342.143.

10 (3) A person may appeal the refusal to issue a license, registration or certificate under this
 11 section as a contested case under ORS 183.413 to 183.470, but the refusal to renew or reinstate a
 12 license or registration is subject to ORS 342.175 to 342.180, and the [commission] **department** shall
 13 notify the person of the right to appeal.

14 **SECTION 50.** ORS 342.390 is amended to read:

15 342.390. (1) The Teacher Standards and Practices Commission shall meet at least once every six
 16 months at a place, day and hour determined by the commission. The commission shall also meet at
 17 such other times and places as are specified by the call of the chairperson or of a majority of the
 18 members of the commission or as required by the [*executive director of the Teacher Standards and*
 19 *Practices Commission*] **Superintendent of Public Instruction** for the purposes of ORS 339.390.

20 (2) A member of the commission who is employed at a public school or by a private educator
 21 preparation provider or by a public university listed in ORS 352.002:

22 (a) May not receive compensation for services as a member.

23 (b) Shall receive actual and necessary travel and other expenses incurred in the performance
 24 of official duties as provided by ORS 292.495 (2) and subject to any other applicable law regulating
 25 travel and other expenses for state officers.

26 (3) A member of the commission who serves on the commission in the capacity of a district
 27 school board member or as a member of the general public shall be entitled to compensation and
 28 expenses as provided in ORS 292.495 (1) and (2).

29 **SECTION 51.** ORS 342.420 is amended to read:

30 342.420. (1) Membership on the Teacher Standards and Practices Commission shall not affect a
 31 member's compensation from the employer of the member or any other benefits to which the member
 32 is entitled.

33 (2) A school district required to employ a substitute for a teacher or administrator who is absent
 34 from employment while performing duties as a member of the Teacher Standards and Practices
 35 Commission shall be entitled to reimbursement for the district's actual expenses in employing the
 36 substitute. [*Reimbursement for the expense of employing such substitutes shall be made by the com-*
 37 *mission from the Teacher Standards and Practices Commission Account.*]

38 **SECTION 52.** ORS 342.425 is amended to read:

39 342.425. (1) The [*executive director of the Teacher Standards and Practices Commission*] **Super-**
 40 **intendent of Public Instruction, in collaboration with the Department of Education, Teacher**
 41 **Standards and Practices Commission and the Educator Advancement Council**, shall prepare
 42 an annual report related to the [*duties, powers and functions of the commission*] **educator workforce**
 43 **of this state.**

44 (2) The report required by this section must include:

45 (a) The number of teaching licenses and administrative licenses that have been issued during the

1 previous year.

2 (b) Trends related to the number of licenses issued and types of licenses issued during the pre-
3 vious year as compared to earlier years.

4 (c) Trends related to sanctions imposed on licensees during the previous year as compared to
5 earlier years.

6 (d) A summary of activities occurring during the previous year related to educator preparation
7 programs, including changes made to requirements for approved educator preparation providers, and
8 the status of each educator preparation program in this state.

9 (e) A summary of significant changes to rules during the previous year and other efforts by the
10 [commission] **department, commission and council** during the previous year to implement statutes.

11 (f) A summary of placement of students in educator preparation programs, completion rates for
12 students in educator preparation programs and recommendations for improving teacher preparation
13 programs.

14 (3) The report required by this section must be submitted to the appropriate committees or in-
15 terim committees of the Legislative Assembly no later than July 1 of every year.

16 **SECTION 53.** ORS 342.430 is amended to read:

17 342.430. (1) **The Teacher Licensure Account is established in the State Treasury, separate
18 and distinct from the General Fund. Interest earned by the account shall be credited to the
19 account.**

20 (2) On or before the 10th day of each month, the [*Teacher Standards and Practices*
21 *Commission*] **Department of Education** shall pay into the [*State Treasury*] **Teacher Licensure**
22 **Account** all moneys received under this chapter. [*The State Treasurer shall credit the moneys to the*
23 *Teacher Standards and Practices Commission Account.*] The moneys in the [*Teacher Standards and*
24 *Practices Commission Account*] **Teacher Licensure Account** are continuously appropriated to the
25 [*commission*] **department** for the purpose of paying [*its*] administrative expenses **incurred under**
26 **this chapter.**

27 **SECTION 54.** ORS 342.443 is amended to read:

28 342.443. (1) The Education and Workforce Policy Advisor shall report biennially to the Legisla-
29 tive Assembly longitudinal data on the number and percentage of:

- 30 (a) Diverse students enrolled in community colleges;
- 31 (b) Diverse students enrolled in public universities;
- 32 (c) Diverse students graduated from public universities;
- 33 (d) Diverse candidates enrolled in public approved educator preparation programs;
- 34 (e) Diverse candidates who have completed public approved educator preparation programs;
- 35 (f) Diverse candidates receiving Oregon teaching or administrative licenses or registrations
36 based on preparation in this state and preparation in other states;
- 37 (g) Diverse educators who are newly employed in the public schools in this state; and
- 38 (h) Diverse educators already employed in the public schools.

39 (2) The advisor also shall report comparisons of scores achieved by diverse persons and nondi-
40 verse persons on basic skills, pedagogy and subject matter tests.

41 (3) The Higher Education Coordinating Commission, the public universities listed in ORS
42 352.002, the Department of Education, the Teacher Standards and Practices Commission, **the Edu-
43 cator Advancement Council**, community colleges and school districts shall cooperate with the ad-
44 visor in collecting data and preparing the report.

45 **SECTION 55.** ORS 342.455 is amended to read:

1 342.455. "School nurse" as used in ORS 342.465 and 342.475, means a registered nurse who is
 2 certified by the [*Teacher Standards and Practices Commission*] **Department of Education** as quali-
 3 fied to conduct and coordinate the health services programs of a school.

4 **SECTION 56.** ORS 342.465 is amended to read:

5 342.465. (1) The Teacher Standards and Practices Commission shall adopt by rule standards
 6 necessary for the issuance, denial, continuation, renewal, lapse or reinstatement of certificates is-
 7 sued under ORS 342.475 (1) to (3) and for establishment and collection of fees for certification as a
 8 school nurse. The [*commission*] **State Board of Education** may adopt by rule procedures for revo-
 9 cation of a certificate issued under ORS 342.475 (1) to (3) that are consistent with ORS 342.175 to
 10 342.180.

11 (2) The Oregon State Board of Nursing shall notify the [*commission*] **Department of Education**
 12 whenever the board takes any action on a license issued under ORS chapter 678 which might affect
 13 the ability of the license holder to practice as a school nurse.

14 **SECTION 57.** ORS 342.475 is amended to read:

15 342.475. (1) "School nurse" is established as a category of specialization in nursing.

16 (2) The [*Teacher Standards and Practices Commission*] **Department of Education** shall issue a
 17 certificate as a school nurse to a person who complies with the rules established by the **Teacher**
 18 **Standards and Practices** Commission for the certification and practice of school nursing and who
 19 has been licensed by the Oregon State Board of Nursing. In establishing rules for the certification
 20 and practice of any specialization of school nursing, the commission shall consider the recommen-
 21 dations of the Oregon State Board of Nursing.

22 (3) The [*commission*] **department** may issue an emergency certificate that authorizes a person
 23 licensed as a registered nurse in this state who does not meet the requirements of subsection (2) of
 24 this section to practice as a school nurse. Such certificates shall be issued for a limited time as set
 25 by the commission.

26 (4) Notwithstanding subsections (1) to (3) of this section, the [*commission*] **department** shall is-
 27 sue a certificate in a school nurse specialization category to a registered nurse who applies for
 28 certification and who is employed by a school, school district or education service district to con-
 29 duct and coordinate a school or district health services program or who serves in such a capacity
 30 on a voluntary basis on November 1, 1981. A certificate issued under this subsection shall be issued
 31 without further proof of qualification by the applicant.

32 (5) A certificate issued under this section is not a teaching license. The nurse holding a certif-
 33 icate issued under this section is not subject to ORS 238.280 or 342.805 to 342.937.

34 **SECTION 58.** ORS 342.485 is amended to read:

35 342.485. The Teacher Standards and Practices Commission **and the Department of Education**
 36 shall consult with and advise the Oregon State Board of Nursing on the qualifications and practices
 37 involved in school nursing.

38 **SECTION 59.** ORS 342.553 is amended to read:

39 342.553. (1) Upon notice from a district school board of the resignation of a person who is li-
 40 censed by or registered with the [*Teacher Standards and Practices Commission*] **Department of**
 41 **Education**, the **Teacher Standards and Practices** Commission may discipline the person if the
 42 person entered into a written contract to work in a public school and resigned the position without
 43 first providing 60 days' written notice, or the notice required in the applicable collective bargaining
 44 agreement, to the district superintendent or the school board.

45 (2) In disciplining a person as provided under this section, the commission shall follow the pro-

cedure set forth in ORS 342.175 (4), 342.176 and 342.177.

SECTION 60. ORS 342.621 is amended to read:

342.621. (1) As used in this section:

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

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

(c) “Licensed educator” means a teacher, administrator or other school professional who is licensed, registered or certified by the [*Teacher Standards and Practices Commission*] **Department of Education**.

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

(e) “School district” means:

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

(B) An education service district.

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

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

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

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

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

SECTION 61. ORS 342.856 is amended to read:

342.856. (1) The State Board of Education, in consultation with the Teacher Standards and Practices Commission **and the Educator Advancement Council**, shall adopt core teaching standards to improve student academic growth and learning by:

(a) Assisting school districts in determining the effectiveness of teachers and administrators and in making human resource decisions; and

(b) Improving the professional development and the classroom and administrative practices of teachers and administrators.

(2) The core teaching standards adopted under this section must:

(a) Take into consideration multiple measures of teacher effectiveness, based on widely accepted standards of teaching that encompass a range of appropriate teaching behaviors and that use multiple evaluation methods;

(b) Take into consideration evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, schools and school districts;

(c) Be research-based;

(d) Be separately developed for teachers and administrators; and

(e) Be able to be customized for each school district, which may include individualized weighting and application of standards.

(3) The core teaching standards adopted under this section must attempt to:

(a) Strengthen the knowledge, skills, disposition and classroom and administrative practices of

1 teachers and administrators in public schools;

2 (b) Refine the support, assistance and professional growth opportunities offered to a teacher or
3 an administrator, based on the individual needs of the teacher or administrator and the needs of the
4 students, the school and the school district of the teacher or administrator;

5 (c) Allow each teacher or administrator to establish a set of classroom or administrative prac-
6 tices and student learning objectives that are based on the individual circumstances of the teacher
7 or administrator, including the classroom or other assignments of the teacher or administrator;

8 (d) Establish a formative growth process for each teacher and administrator that supports pro-
9 fessional learning and collaboration with other teachers and administrators; and

10 (e) Use evaluation methods and professional development, support and other activities that are
11 based on curricular standards and that are targeted to the needs of each teacher and administrator.

12 (4) A school district board must include the core teaching standards adopted under this section
13 for all evaluations of teachers and administrators of the school district. The standards shall be
14 customized based on the collaborative efforts of the teachers and administrators of the school dis-
15 trict and the exclusive bargaining representative of the employees of the school district.

16 **SECTION 62.** ORS 342.940 is amended to read:

17 342.940. (1) As used in this section and ORS 342.943, “educator” means a teacher, administrator
18 or other school professional who is licensed, registered or certified by the [*Teacher Standards and*
19 *Practices Commission*] **Department of Education**.

20 (2) [*The Educator Advancement Council shall be established and function under an intergovern-*
21 *mental agreement, pursuant to ORS 190.003 to 190.130, between state agencies and one or more school*
22 *districts and education service districts.*] **The Department of Education shall establish the Edu-**
23 **cator Advancement Council.** The purposes of the council are to provide resources **and advice**
24 related to educator professional learning and to provide other educator supports.

25 [(3) *The intergovernmental agreement establishing the council shall outline the governance frame-*
26 *work and the administrative details necessary for the efficient and effective implementation of the duties*
27 *of the council.*]

28 [(4)(a) *The council shall consist of:*]

29 [(A) *Members who are representatives of the parties to the intergovernmental agreement establish-*
30 *ing the council.*]

31 [(B) *No more than 10 members who are practicing educators, classified staff in a public school or*
32 *for an education service district, early learning providers and professionals and school district board*
33 *members.*]

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

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

42 [(5)] **(3)** The council shall:

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

45 (b) Administer the beginning teacher and administrator mentorship program under ORS 329.788

1 to 329.820;

2 (c) Coordinate the distribution of moneys to educator networks from the Educator Advancement
3 Fund based on the needs of the educators identified by the networks;

4 (d) Connect educator networks and facilitate communications within and among the networks
5 to improve teaching and learning; and

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

8 **(4) In fulfilling the purposes of the council, the council shall consult with:**

9 **(a) The Department of Early Learning and Care;**

10 **(b) The Teacher Standards and Practices Commission;**

11 **(c) The Higher Education Coordinating Commission;**

12 **(d) School districts; and**

13 **(e) Education service districts.**

14 ~~[(6)]~~ **(5)** The Department of Education shall provide support to the strategic direction of the
15 council by:

16 (a) Conducting and coordinating research to monitor:

17 (A) Teaching and learning conditions;

18 (B) Educator workforce supply and demand; and

19 (C) Common outcomes and measures anticipated to promote improvement in teaching and
20 learning.

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

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

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

27 (e) Supporting a statewide plan for increasing:

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

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

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

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

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

36 (B) Considers the delivery of services for the benefit of all regions of this state when establish-
37 ing the system of educator networks.

38 (C) Works toward improving student progress indicators identified by the Department of Edu-
39 cation or set forth in ORS 350.014.

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

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

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

45 (j) Providing technical assistance to the council, including online systems for sharing profes-

1 sional learning resources and supporting educator networks.

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

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

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

7 (B) Providing technical assistance to educator networks; and

8 (C) Entering into grant agreements or contracts for the distribution of funds to educator net-
9 works.

10 [(7)(a)] **(6)(a)** The State Board of Education and the Teacher Standards and Practices Commis-
11 sion may adopt any rules necessary at the request of the council to support the council or to per-
12 form any duties assigned to the board or commission under this section.

13 (b) The council may adopt rules pursuant to ORS chapter 183 for the purposes of ORS 329.788
14 to 329.820 and 342.943.

15 [(8)] **(7)** The council shall be considered a board for purposes of ORS chapter 180.

16 **SECTION 63.** ORS 342.971 is amended to read:

17 342.971. (1) There is created the Educator Preparation Improvement Fund, separate and distinct
18 from the General Fund. Interest earned on moneys in the Educator Preparation Improvement Fund
19 shall be credited to the fund.

20 (2) The [*Teacher Standards and Practices Commission*] **Department of Education** may accept
21 from any source any grant, donation or gift of money or other valuable thing made to the [*commis-
22 sion*] **department** for purposes of the Educator Preparation Improvement Fund.

23 (3) Moneys credited to the Educator Preparation Improvement Fund are continuously appropri-
24 ated to the [*commission*] **department** for the purposes set forth in subsection (4) of this section. The
25 [*commission*] **department** may draw checks or orders upon the State Treasurer in making dis-
26 bursements from the Educator Preparation Improvement Fund for the purposes set forth in sub-
27 section (4) of this section.

28 (4) The purpose of the Educator Preparation Improvement Fund is to encourage approved edu-
29 cator preparation programs and school district partnerships that:

30 (a) Respond to changes in education of students in preprimary programs and grades 1 through
31 12;

32 (b) Encourage collaboration around delivery models that provide effective professional prepara-
33 tion;

34 (c) Recognize the needs of the education workforce in this state, including but not limited to
35 recruiting underrepresented persons, teachers and administrators to work in high needs areas such
36 as special education, mathematics, science and teaching English to speakers of other languages;

37 (d) Encourage collaborative initiatives that improve student success and postsecondary access
38 and achievement; and

39 (e) Respond to the need for national accreditation of approved educator preparation programs
40 in this state.

41 **SECTION 64.** ORS 343.328 is amended to read:

42 343.328. (1)(a) A parent or a foster parent may, at any time, revoke consent for the placement
43 of a student with a disability on an abbreviated school day program.

44 (b) Consent for the abbreviated school day program placement shall be considered revoked if,
45 at any time, the parent or the foster parent revokes the consent, in writing, to an abbreviated school

1 day program placement or makes a written objection to the abbreviated school day program place-
2 ment.

3 (c) Upon receipt of a written revocation or objection to the abbreviated school day program
4 placement, the school district superintendent shall ensure that, within five school days or by a later
5 date specified in a written notice provided by the parent or foster parent, the student has meaningful
6 access to the same number of hours of instruction and educational services that are provided to the
7 majority of other students who are in the same grade within the student's resident school district.

8 (d) Notwithstanding paragraph (c) of this subsection, a parent or foster parent of a student may
9 allow the school district superintendent to have an extension of an additional five school days to
10 ensure that the student has meaningful access to the same number of hours of instruction and edu-
11 cational services that are provided to the majority of other students who are in the same grade
12 within the student's resident school district if:

13 (A) The parent or foster parent provides written consent for the extension;

14 (B) The parent or foster parent has not previously provided written consent for an extension for
15 the student during the school year;

16 (C) The written consent states that the parent or foster parent understands that the parent or
17 foster parent is not required to give consent for the extension and that the refusal to give consent
18 for the extension will not result in adverse actions being taken against the student; and

19 (D) The school district provides to the parent or foster parent, in writing and in a language and
20 format accessible to the parent or foster parent, the specific reasons why the extension is needed.

21 (e) If a school district fails to provide meaningful access before the expiration of an extension
22 allowed under paragraph (d) of this subsection, any calculations of compensatory education that
23 must be provided by the school district will be made as though an extension had not been allowed.

24 (f) If a student is on an abbreviated school day program on the last day of the school year and
25 the student's parent or foster parent makes a written objection to the abbreviated school day pro-
26 gram placement or revokes consent for the abbreviated school day program placement at least 14
27 calendar days prior to the beginning of the next school year, the student shall, beginning on the first
28 day of the new school year, be provided with meaningful access to the same number of hours of in-
29 struction and educational services that are provided to the majority of other students who are in
30 the same grade within the student's resident school district.

31 (2)(a) When the Department of Education receives a complaint or otherwise has cause to believe
32 a school district is not in compliance with ORS 343.322 (7) and 343.324 (5), the department must in-
33 itiate an investigation and inform the school district of any noncompliance within 30 calendar days
34 of receiving the complaint or having cause to believe the school district is not in compliance.

35 (b) If a complaint described in paragraph (a) of this subsection relates to a specific student and
36 is submitted by the student's parent or foster parent, the Superintendent of Public Instruction is not
37 required to conduct an investigation and shall:

38 (A) Presume that consent for the abbreviated school day program placement has been revoked.

39 (B) Immediately, and in no case no more than two business days after receipt of the complaint,
40 order the school district to provide to the student, within five school days, meaningful access to the
41 same number of hours of instruction and educational services that are provided to the majority of
42 other students who are in the same grade within the student's resident school district. For the
43 purpose of this subparagraph, "business day" has the meaning given that term in ORS 192.311.

44 (C) Find the school district is not in compliance with ORS 343.322 (7) and 343.324 (5) if the
45 school district fails to comply with the order described in subparagraph (B) of this paragraph and

1 the parent or foster parent has not granted written consent for an extension as described in sub-
2 section (1)(d) of this section.

3 (c) If the superintendent finds that a school district is not in compliance with ORS 343.322 (7)
4 and 343.324 (5), either after an investigation or as provided by paragraph (b) of this subsection, the
5 superintendent shall:

6 (A) Enter an order that any students named in the complaint or identified in the course of an
7 investigation initiated under paragraph (a) of this subsection who are placed on an abbreviated
8 school day program in violation of ORS 343.322 (7) and 343.324 (5) be provided, within five school
9 days of the final order, with meaningful access to the same number of hours of instruction and ed-
10 ucational services that are provided to the majority of other students who are in the same grade
11 within the student's resident school district.

12 (B) If the school district fails to comply with the order described in subparagraph (A) of this
13 paragraph within five school days, find the school district nonstandard under ORS 327.103 or 334.217
14 until all students subject to the order and placed on an abbreviated school day program in violation
15 of ORS 343.322 (7) and 343.324 (5) are provided with meaningful access to the same number of hours
16 of instruction and educational services that are provided to the majority of other students who are
17 in the same grade within the student's resident school district.

18 (C) If the school district fails to comply with the order described in subparagraph (A) of this
19 paragraph within 10 school days and notwithstanding any timelines or process requirements of ORS
20 327.103 or 334.217, immediately withhold State School Fund moneys that otherwise would be dis-
21 tributed to the school district. Amounts withheld must be calculated based on the weighted average
22 daily membership attributable to the students subject to the order, as calculated under ORS 327.013,
23 and the percentage of the school year that the students were placed on an abbreviated school day
24 program in violation of ORS 343.322 (7) and 343.324 (5).

25 (D) Require the school district to provide compensatory education to the students subject to the
26 order that is equivalent to at least one hour of direct instruction for every two hours of instruction
27 that were lost due to an abbreviated school day program placement in violation of ORS 343.322 (7)
28 and 343.324 (5).

29 (3) The failure of a school district superintendent to restore meaningful access to a student
30 within the time required by ORS 343.326 (3)(b)(B) or subsection (1)(c) or (d) of this section or to
31 comply with an order issued under subsection (2)(c) of this section to restore meaningful access to
32 all students subject to the order may be grounds for discipline by the Teacher Standards and Prac-
33 tices Commission under ORS 342.175. If the [*commission*] **Department of Education** receives a
34 complaint concerning a failure described in this subsection, the commission shall take into consid-
35 eration the responsive efforts and actions of the superintendent to restore meaningful access to the
36 student or students.

37 **SECTION 65.** ORS 344.059 is amended to read:

38 344.059. The Department of Education shall advance the policy on career and technical educa-
39 tion described in ORS 344.055 by:

40 (1) Administering the distribution of grants or entering into contracts for the purpose of ex-
41 panding teacher training programs related to career and technical education that can lead to high
42 wage and high demand jobs. Grants awarded, or contracts entered into, under this subsection may
43 be funded with moneys available under ORS 327.372 and must:

44 (a) Not exceed \$250,000 per grant or contract;

45 (b) Be awarded to, or be entered with, an educator preparation program or an educator prepa-

1 ration provider, regardless of whether courses are offered in a traditional setting, by an alternative
2 delivery method or by an alternative time frame;

3 (c) Be awarded or entered into for an educator preparation program that has a plan for re-
4 cruiting students to the program;

5 (d) Be used to develop and provide coursework that:

6 (A) Qualifies for credit or as professional development and that satisfies licensure or endorse-
7 ment requirements; and

8 (B) Is provided in a broad group of instructional areas that are grouped to give context for ac-
9 ademic, technical and career learning; and

10 (e) To the extent practicable, align with grant distribution requirements of the Career and
11 Technical Education Revitalization Grant Program described in ORS 344.075.

12 (2) Developing and supporting the infrastructure for an online system that is accessible state-
13 wide and that delivers courses and professional development to teachers of career and technical
14 education. For the purpose of this subsection, the department may retain up to eight percent of the
15 moneys available to the department under this section.

16 **(3) Establishing and regularly updating the requirements for an educator preparation**
17 **program for prospective career and technical education teachers with trade or industry ex-**
18 **perience. The requirements must:**

19 **(a) Identify a minimum number of required credit hours for a program; and**

20 **(b) Be established and regularly updated based on consultations with relevant trade or**
21 **industry stakeholders, the Teacher Standards and Practices Commission, the Educator Ad-**
22 **vancement Council and the Higher Education Coordinating Commission.**

23 **[(3)] (4) Collaborating with the Teacher Standards and Practices Commission and the Educator**
24 **Advancement Council to:**

25 (a) Enable experts in trade or industry to become teachers of career and technical education,
26 **including through a limited license or alternative requirements for licensure;**

27 (b) Coordinate communications about career and technical education, including communications:

28 (A) Intended to identify potential teachers of career and technical education from trade or in-
29 dustry;

30 (B) With experts in trades or industry about the requirements for transitioning from employment
31 in a trade or an industry to teaching; and

32 (C) With educator preparation programs and educator preparation providers about teaching op-
33 portunities related to career and technical education; and

34 (c) Review statutes and rules for necessary changes and to review and recommend alternative
35 methods to increase available funding options.

36 **[(4)] (5) Developing and maintaining the website described in ORS 344.141.**

37 **SECTION 66.** ORS 348.295 is amended to read:

38 348.295. (1) In addition to any other form of student financial aid authorized by law, the Higher
39 Education Coordinating Commission may award scholarships to culturally and linguistically diverse
40 teacher candidates to use at approved educator preparation providers, as defined in ORS 342.120, for
41 the purpose of advancing the goal described in ORS 342.437 (1)(a).

42 (2) Scholarships awarded under this section shall be in amounts of \$12,000 each academic year,
43 for a maximum of two academic years.

44 (3) The commission shall adopt rules necessary for the implementation and administration of this
45 section in consultation with the Educator Advancement Council and the Department of Education.

1 (4) As used in this section:

2 (a) "Teacher candidate" means an individual who is preparing to be a teacher or other school
3 professional licensed, registered or certified by the [*Teacher Standards and Practices Commission*]
4 **Department of Education.**

5 (b) "Teacher candidate" does not mean an individual who is preparing to be an administrator.

6 **SECTION 67.** ORS 419B.005 is amended to read:

7 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

8 (1)(a) "Abuse" means:

9 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
10 has been caused by other than accidental means, including any injury that appears to be at variance
11 with the explanation given of the injury.

12 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
13 statements made, or threatened to be made, to a child if the acts, statements or threats result in
14 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.

15 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
16 tration and incest, as those acts are described in ORS chapter 163.

17 (D) Sexual abuse, as described in ORS chapter 163.

18 (E) Sexual exploitation, including but not limited to:

19 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
20 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
21 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
22 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
23 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
24 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
25 is designed to serve educational or other legitimate purposes; and

26 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
27 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
28 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

29 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
30 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
31 welfare of the child.

32 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
33 to the child's health or welfare.

34 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

35 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
36 methamphetamines are being manufactured.

37 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
38 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
39 stantial risk of harm to the child's health or safety.

40 (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303
41 or 339.308.

42 (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

43 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
44 conditions described in paragraph (a) of this subsection.

45 (2) "Child" means an unmarried person who:

- 1 (a) Is under 18 years of age; or
- 2 (b) Is a child in care, as defined in ORS 418.257.
- 3 (3) “Higher education institution” means:
- 4 (a) A community college as defined in ORS 341.005;
- 5 (b) A public university listed in ORS 352.002;
- 6 (c) The Oregon Health and Science University; and
- 7 (d) A private institution of higher education located in Oregon.
- 8 (4)(a) “Investigation” means a detailed inquiry into or assessment of the safety of a child alleged
- 9 to have experienced abuse.
- 10 (b) “Investigation” does not include screening activities conducted upon the receipt of a report.
- 11 (5) “Law enforcement agency” means:
- 12 (a) A city or municipal police department.
- 13 (b) A county sheriff’s office.
- 14 (c) The Oregon State Police.
- 15 (d) A police department established by a university under ORS 352.121 or 353.125.
- 16 (e) A county juvenile department.
- 17 (6) “Public or private official” means:
- 18 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,
- 19 including any intern or resident.
- 20 (b) Dentist.
- 21 (c) School employee, including an employee of a higher education institution.
- 22 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide
- 23 or employee of an in-home health service.
- 24 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
- 25 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
- 26 Authority, a local health department, a community mental health program, a community develop-
- 27 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
- 28 fined in ORS 418.205 or an alcohol and drug treatment program.
- 29 (f) Peace officer.
- 30 (g) Psychologist.
- 31 (h) Member of the clergy.
- 32 (i) Regulated social worker.
- 33 (j) Optometrist.
- 34 (k) Chiropractor.
- 35 (L) Certified provider of foster care, or an employee thereof.
- 36 (m) Attorney.
- 37 (n) Licensed professional counselor.
- 38 (o) Licensed marriage and family therapist.
- 39 (p) Firefighter or emergency medical services provider.
- 40 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 41 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 42 (s) Elected official of a branch of government of this state or a state agency, board, commission
- 43 or department of a branch of government of this state or of a city, county or other political subdi-
- 44 vision in this state.
- 45 (t) Physical, speech or occupational therapist.

- 1 (u) Audiologist.
- 2 (v) Speech-language pathologist.
- 3 [(w) *Employee of the Teacher Standards and Practices Commission directly involved in investi-*
- 4 *gations or discipline by the commission.*]
- 5 [(x) (w) Pharmacist.
- 6 [(y) (x) Operator of a preschool recorded program under ORS 329A.255.
- 7 [(z) (y) Operator of a school-age recorded program under ORS 329A.255.
- 8 [(aa) (z) Employee of a private agency or organization facilitating the provision of respite ser-
- 9 vices, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
- 10 under ORS 109.056.
- 11 [(bb) (aa) Employee of a public or private organization providing child-related services or ac-
- 12 tivities:
- 13 (A) Including but not limited to an employee of a:
- 14 (i) Youth group or center;
- 15 (ii) Scout group or camp;
- 16 (iii) Summer or day camp;
- 17 (iv) Survival camp; or
- 18 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
- 19 ligious, public or private educational system or a community service organization; and
- 20 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
- 21 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
- 22 man trafficking.
- 23 [(cc) (bb) Coach, assistant coach or trainer of an amateur, semiprofessional or professional
- 24 athlete, if compensated and if the athlete is a child.
- 25 [(dd) (cc) Personal support worker, as defined in ORS 410.600.
- 26 [(ee) (dd) Home care worker, as defined in ORS 410.600.
- 27 [(ff) (ee) Animal control officer, as defined in ORS 609.500.
- 28 [(gg) (ff) Member of a school district board, an education service district board or a public
- 29 charter school governing body.
- 30 [(hh) (gg) Individual who is paid by a public body, in accordance with ORS 430.215, to provide
- 31 a service identified in an individualized service plan of a child with a developmental disability.
- 32 [(ii) (hh) Referral agent, as defined in ORS 418.351.
- 33 [(jj) (ii) Parole and probation officer, as defined in ORS 181A.355.
- 34 [(kk) (jj) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
- 35 analysis interventionist registered by the Health Licensing Office under ORS 676.815.
- 36 **SECTION 68.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, is
- 37 amended to read:
- 38 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:
- 39 (1)(a) "Abuse" means:
- 40 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
- 41 has been caused by other than accidental means, including any injury that appears to be at variance
- 42 with the explanation given of the injury.
- 43 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
- 44 statements made, or threatened to be made, to a child if the acts, statements or threats result in
- 45 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.

1 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
2 tration and incest, as those acts are described in ORS chapter 163.

3 (D) Sexual abuse, as described in ORS chapter 163.

4 (E) Sexual exploitation, including but not limited to:

5 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
6 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
7 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
8 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
9 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
10 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
11 is designed to serve educational or other legitimate purposes; and

12 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
13 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
14 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

15 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
16 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
17 welfare of the child.

18 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
19 to the child's health or welfare.

20 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

21 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
22 methamphetamines are being manufactured.

23 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
24 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
25 stantial risk of harm to the child's health or safety.

26 (K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

27 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
28 conditions described in paragraph (a) of this subsection.

29 (2) "Child" means an unmarried person who:

30 (a) Is under 18 years of age; or

31 (b) Is a child in care, as defined in ORS 418.257.

32 (3) "Higher education institution" means:

33 (a) A community college as defined in ORS 341.005;

34 (b) A public university listed in ORS 352.002;

35 (c) The Oregon Health and Science University; and

36 (d) A private institution of higher education located in Oregon.

37 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
38 to have experienced abuse.

39 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

40 (5) "Law enforcement agency" means:

41 (a) A city or municipal police department.

42 (b) A county sheriff's office.

43 (c) The Oregon State Police.

44 (d) A police department established by a university under ORS 352.121 or 353.125.

45 (e) A county juvenile department.

- 1 (6) "Public or private official" means:
- 2 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,
- 3 including any intern or resident.
- 4 (b) Dentist.
- 5 (c) School employee, including an employee of a higher education institution.
- 6 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
- 7 or employee of an in-home health service.
- 8 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
- 9 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
- 10 Authority, a local health department, a community mental health program, a community develop-
- 11 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
- 12 fined in ORS 418.205 or an alcohol and drug treatment program.
- 13 (f) Peace officer.
- 14 (g) Psychologist.
- 15 (h) Member of the clergy.
- 16 (i) Regulated social worker.
- 17 (j) Optometrist.
- 18 (k) Chiropractor.
- 19 (L) Certified provider of foster care, or an employee thereof.
- 20 (m) Attorney.
- 21 (n) Licensed professional counselor.
- 22 (o) Licensed marriage and family therapist.
- 23 (p) Firefighter or emergency medical services provider.
- 24 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 25 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 26 (s) Elected official of a branch of government of this state or a state agency, board, commission
- 27 or department of a branch of government of this state or of a city, county or other political subdi-
- 28 vision in this state.
- 29 (t) Physical, speech or occupational therapist.
- 30 (u) Audiologist.
- 31 (v) Speech-language pathologist.
- 32 *[(w) Employee of the Teacher Standards and Practices Commission directly involved in investi-*
- 33 *gations or discipline by the commission.]*
- 34 *[(x)]* (w) Pharmacist.
- 35 *[(y)]* (x) Operator of a preschool recorded program under ORS 329A.255.
- 36 *[(z)]* (y) Operator of a school-age recorded program under ORS 329A.255.
- 37 *[(aa)]* (z) Employee of a private agency or organization facilitating the provision of respite ser-
- 38 vices, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
- 39 under ORS 109.056.
- 40 *[(bb)]* (aa) Employee of a public or private organization providing child-related services or ac-
- 41 tivities:
- 42 (A) Including but not limited to an employee of a:
- 43 (i) Youth group or center;
- 44 (ii) Scout group or camp;
- 45 (iii) Summer or day camp;

- 1 (iv) Survival camp; or
- 2 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
- 3 ligious, public or private educational system or a community service organization; and
- 4 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
- 5 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
- 6 man trafficking.
- 7 [(cc)] (bb) Coach, assistant coach or trainer of an amateur, semiprofessional or professional
- 8 athlete, if compensated and if the athlete is a child.
- 9 [(dd)] (cc) Personal support worker, as defined in ORS 410.600.
- 10 [(ee)] (dd) Home care worker, as defined in ORS 410.600.
- 11 [(ff)] (ee) Animal control officer, as defined in ORS 609.500.
- 12 [(gg)] (ff) Member of a school district board, an education service district board or a public
- 13 charter school governing body.
- 14 [(hh)] (gg) Individual who is paid by a public body, in accordance with ORS 430.215, to provide
- 15 a service identified in an individualized service plan of a child with a developmental disability.
- 16 [(ii)] (hh) Referral agent, as defined in ORS 418.351.
- 17 [(jj)] (ii) Parole and probation officer, as defined in ORS 181A.355.
- 18 [(kk)] (jj) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
- 19 analysis interventionist registered by the Health Licensing Office under ORS 676.815.
- 20 **SECTION 69.** ORS 419B.019 is amended to read:
- 21 419B.019. (1) As used in this section:
- 22 (a) “Agent” means a person who:
- 23 (A) Acts as an agent for an education provider in a manner that requires the person to have
- 24 direct, unsupervised contact with children; and
- 25 (B) Interacts with a child because of the person’s status as an agent for an education provider.
- 26 (b) “Contractor” means a person who:
- 27 (A) Provides services to an education provider under a contract in a manner that requires the
- 28 person to have direct, unsupervised contact with children; and
- 29 (B) Interacts with a child because of the person’s status as a contractor for an education pro-
- 30 vider.
- 31 (c) “Education provider” has the meaning given that term in ORS 339.370.
- 32 (d) “School employee” means a person who:
- 33 (A) Is an employee of an education provider; and
- 34 (B) Interacts with a child because of the person’s status as an employee of an education pro-
- 35 vider.
- 36 (e) “Volunteer” means a person who:
- 37 (A) Acts as a volunteer for an education provider in a manner that requires the person to have
- 38 direct, unsupervised contact with children; and
- 39 (B) Interacts with a child because of the person’s status as a volunteer of an education provider.
- 40 (2) A law enforcement agency or the Department of Human Services must conduct an investi-
- 41 gation as provided by ORS 419B.020 if the law enforcement agency or department receives a report
- 42 of abuse that involves a child and a person who is a school employee, contractor, agent or volunteer.
- 43 (3) A law enforcement agency shall notify the department as provided by ORS 419B.015 if the
- 44 law enforcement agency receives a report described in subsection (2) of this section. The department
- 45 shall notify a law enforcement agency as provided by ORS 419B.015 if the department receives a

1 report described in subsection (2) of this section. The department shall ensure that an investigation
2 related to the report is conducted if the report is not investigated by a law enforcement agency.

3 (4)(a) Within three business days of receiving a report or notification of a report described in
4 subsection (2) of this section, the department shall notify:

5 (A) The appropriate education provider to ensure the safety of the child, if the department be-
6 lieves the report of suspected abuse involves the child and a person who is a school employee,
7 contractor, agent or volunteer;

8 (B) The [*Teacher Standards and Practices Commission*] **Department of Education**, if the De-
9 partment **of Human Services** believes the school employee, contractor, agent or volunteer is li-
10 censed, registered or certified by the [*commission*] **Department of Education**; or

11 (C) The Department of Education, if the Department of Human Services believes the report of
12 suspected abuse:

13 (i) Occurred in a school or was related to a school-sponsored activity; or

14 (ii) Involves a child and a person who is a school employee, contractor, agent or volunteer and
15 whose conduct may be subject to actions taken by the Department of Education under ORS 339.370
16 to 339.400.

17 (b) For the purpose of notification made under this subsection, the Department of Human Ser-
18 vices may not disclose the name and address of, and other identifying information about, the person
19 who made the report, but the department shall make available any information necessary to ensure
20 the safety of the child, including the name of the school and the name of the person who may have
21 conducted the suspected abuse. Except as provided by ORS 339.389, any person or entity to whom
22 notification is made under this subsection may not release any information not authorized by this
23 subsection.

24 (c) When the Department of Education receives notification under this subsection, the depart-
25 ment shall act under, and is subject to, ORS 339.389.

26 (5) The Department of Human Services shall submit a report on the first day of every calendar
27 quarter to the committees or interim committees of the Legislative Assembly related to child wel-
28 fare, for the purposes of public review and oversight of the quality and safety of education providers.
29 Information provided in reports under this subsection may not contain the name of a child or any
30 identifying information about a child. The reports must contain all of the following information
31 about each investigation described in subsection (2) of this section that resulted in a finding, during
32 the preceding quarter, that the report of abuse was substantiated:

33 (a) The name of the education provider where the department conducted the investigation;

34 (b) The approximate date that the abuse occurred;

35 (c) The nature of the abuse and a brief narrative description of the abuse that occurred; and

36 (d) Whether a reportable injury, sexual abuse or death resulted from the abuse.

37 (6) The department may adopt any rules necessary for the administration of this section.

38 **SECTION 70.** ORS 419B.035 is amended to read:

39 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and
40 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records
41 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
42 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
43 ment of Human Services shall make the records available to:

44 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of
45 subsequent investigation of child abuse;

1 (b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-
2 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant
3 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse
4 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-
5 tion, care or treatment;

6 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-
7 ceeding;

8 (d) Citizen review boards established by the Judicial Department for the purpose of periodically
9 reviewing the status of children, youths and adjudicated youths under the jurisdiction of the juvenile
10 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to
11 participants in case reviews;

12 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged
13 that a child has been subjected to child abuse or neglect;

14 (f) The Department of Early Learning and Care for the purpose of carrying out the functions
15 of the department, including the certification, registration or regulation of child care facilities and
16 child care providers and the administration of enrollment in the Central Background Registry;

17 (g) The Office of Children's Advocate;

18 (h) The **Department of Education and the** Teacher Standards and Practices Commission for
19 investigations conducted under ORS 339.390 or 342.176 involving any child or any student **and any**
20 **related discipline**;

21 (i) Any person, upon request to the Department of Human Services, if the reports or records
22 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-
23 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be
24 disclosed in accordance with ORS 192.311 to 192.478;

25 (j) The Department of Early Learning and Care for purposes of applications described in ORS
26 329A.030 (11)(c)(G) to (J);

27 (k) With respect to a report of abuse occurring at a school or in an educational setting that
28 involves a child with a disability, Disability Rights Oregon;

29 (L) The Department of Education for purposes of investigations conducted under ORS 339.391;

30 (m) An education provider for the purpose of making determinations under ORS 339.388; and

31 (n) A national nonprofit organization designated by the Department of Human Services that
32 provides assistance with locating, recovering or providing services to children or youth determined
33 by the department to be missing.

34 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-
35 partment of Human Services may exempt from disclosure the names, addresses and other identifying
36 information about other children, witnesses, victims or other persons named in the report or record
37 if the department determines, in written findings, that the safety or well-being of a person named in
38 the report or record may be jeopardized by disclosure of the names, addresses or other identifying
39 information, and if that concern outweighs the public's interest in the disclosure of that information.

40 (b) If the Department of Human Services does not have a report or record of abuse regarding
41 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS
42 161.015, the department may disclose that information.

43 (3) The Department of Human Services may make reports and records compiled under the pro-
44 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,
45 agency, organization or other entity when the department determines that such disclosure is neces-

1 sary to administer its child welfare services and is in the best interests of the affected child, or that
 2 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect
 3 children from abuse and neglect or for research when the Director of Human Services gives prior
 4 written approval. The Department of Human Services shall adopt rules setting forth the procedures
 5 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this
 6 section. The name, address and other identifying information about the person who made the report
 7 may not be disclosed pursuant to this subsection and subsection (1) of this section.

8 (4) A law enforcement agency may make reports and records compiled under the provisions of
 9 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-
 10 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement
 11 agency determines that disclosure is necessary for the investigation or enforcement of laws relating
 12 to child abuse and neglect or necessary to determine a claim for crime victim compensation under
 13 ORS 147.005 to 147.367.

14 (5)(a) A law enforcement agency, upon completing an investigation and closing the file in a
 15 specific case relating to child abuse or neglect, shall make reports and records in the case available
 16 upon request to:

17 (A) Any law enforcement agency or community corrections agency in this state, to the Depart-
 18 ment of Corrections, to the Oregon Youth Authority or to the State Board of Parole and Post-Prison
 19 Supervision for the purpose of managing and supervising offenders in custody or on probation,
 20 parole, post-prison supervision or other form of conditional or supervised release; and

21 (B) The **Department of Education and the** Teacher Standards and Practices Commission for
 22 investigations conducted under ORS 339.390 and 342.176 **and any related discipline.**

23 (b) A law enforcement agency may make reports and records compiled under the provisions of
 24 ORS 419B.010 to 419B.050 available to the Oregon Youth Authority, the **Department of Education**
 25 **and the** Teacher Standards and Practices Commission for investigations conducted under ORS
 26 339.390 and 342.176, law enforcement, community corrections, corrections or parole agencies in an
 27 open case when the law enforcement agency determines that the disclosure will not interfere with
 28 an ongoing investigation in the case.

29 (c) The name, address and other identifying information about the person who made the report
 30 may not be disclosed under this subsection or subsection (6)(b) of this section.

31 (6)(a) Any record made available to a law enforcement agency or community corrections agency
 32 in this state, to the Department of Corrections, the Oregon Youth Authority, the State Board of
 33 Parole and Post-Prison Supervision, **the Department of Education** or the Teacher Standards and
 34 Practices Commission or to a physician, physician assistant or nurse practitioner in this state, as
 35 authorized by subsections (1) to (5) of this section, shall be kept confidential by the agency, depart-
 36 ment, board, commission, physician, physician assistant or nurse practitioner. Any record or report
 37 disclosed by the Department of Human Services to other persons or entities pursuant to subsections
 38 (1) and (3) of this section shall be kept confidential.

39 (b) Notwithstanding paragraph (a) of this subsection:

40 (A) A law enforcement agency, a community corrections agency, the Department of Corrections,
 41 the Oregon Youth Authority and the State Board of Parole and Post-Prison Supervision may disclose
 42 records made available to them under subsection (5) of this section to each other, to law enforce-
 43 ment, community corrections, corrections and parole agencies of other states and to authorized
 44 treatment providers for the purpose of managing and supervising offenders in custody or on pro-
 45 bation, parole, post-prison supervision or other form of conditional or supervised release.

1 (B) The Department of Corrections and the Oregon Youth Authority may disclose records made
 2 available to them under subsection (5) of this section regarding a person in the custody of the De-
 3 partment of Corrections or the Oregon Youth Authority to each other, to the court, to the district
 4 attorney and to the person's attorney for the purpose of the person's hearing under ORS 420A.200
 5 to 420A.206.

6 (C) A person may disclose records made available to the person under subsection (1)(i) of this
 7 section if the records are disclosed for the purpose of advancing the public interest.

8 (7) Except as provided by ORS 339.389, an officer or employee of the Department of Human
 9 Services or of a law enforcement agency or any person or entity to whom disclosure is made pur-
 10 suant to subsections (1) to (6) of this section may not release any information not authorized by
 11 subsections (1) to (6) of this section.

12 (8) A record of sexual orientation, gender identity or gender expression, as defined in ORS
 13 409.225, is exempt from disclosure under subsection (1) of this section unless:

14 (a) The department determines, in written findings, that failure to disclose the record is rea-
 15 sonably likely to jeopardize the child's safety or well-being;

16 (b) The department determines, in written findings, that disclosure of the record is necessary to
 17 provide services to the child or the child's family; or

18 (c) The child consents to the disclosure.

19 (9) As used in this section, "law enforcement agency" has the meaning given that term in ORS
 20 181A.010.

21 (10) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

22 **SECTION 71.** ORS 675.520 is amended to read:

23 675.520. (1) A person may not use any title, words or abbreviations, including the title "social
 24 worker," that indicate that the person has an authorization to practice regulated social work unless
 25 the person is a regulated social worker.

26 (2) Subsection (1) of this section does not prohibit:

27 (a) The use of the educational designations "Bachelor of Social Work" or "Master's of Social
 28 Work" by a person who is not a regulated social worker; or

29 (b) The use of the title "school social worker" by a person who:

30 (A) Is not a regulated social worker;

31 (B) Holds a master's degree in social work from an accredited college or university; and

32 (C) Is licensed as a school social worker by the [*Teacher Standards and Practices Commission*]

33 **Department of Education.**

34 **SECTION 72.** ORS 676.866 is amended to read:

35 676.866. (1) As used in this section:

36 (a) "Board" means:

37 (A) The Oregon Board of Psychology;

38 (B) The Oregon Board of Licensed Professional Counselors and Therapists;

39 (C) The State Board of Licensed Social Workers;

40 [*D) The Teacher Standards and Practices Commission; and*]

41 **(D) The Department of Education; and**

42 **(E) The Traditional Health Workers Commission.**

43 (b) "Licensee" means:

44 (A) A clinical social worker, as defined in ORS 675.510;

45 (B) A regulated social worker, as defined in ORS 675.510;

1 (C) A licensed marriage and family therapist, as defined in ORS 675.705;

2 (D) A licensed psychologist, as defined in ORS 675.010;

3 (E) A licensed professional counselor, as defined in ORS 675.705;

4 (F) A school counselor, as defined by rule by the Teacher Standards and Practices Commission;

5 and

6 (G) The following professionals regulated by the Oregon Health Authority by rules adopted
7 pursuant to subsection (9) of this section or employed in a program operated or overseen by the
8 authority:

9 (i) A qualified mental health associate;

10 (ii) A qualified mental health professional;

11 (iii) A certified alcohol and drug counselor;

12 (iv) A prevention specialist;

13 (v) A problem gambling treatment provider;

14 (vi) A recovery mentor;

15 (vii) A community health worker;

16 (viii) A personal health navigator;

17 (ix) A personal support specialist;

18 (x) A peer wellness specialist;

19 (xi) A doula;

20 (xii) A family support specialist;

21 (xiii) A youth support specialist; and

22 (xiv) A peer support specialist.

23 (2)(a) The authority and a board shall require a licensee regulated by the authority or the board
24 to complete two hours every two years or three hours every three years of continuing education
25 related to suicide risk assessment, treatment and management and report to the authority or the
26 board the licensee's completion of the continuing education described in this subsection. The au-
27 thority and the board shall ensure that the timelines for completion of the continuing education
28 align with the licensee's professional authorization issuance and renewal timelines.

29 (b) The authority and a board shall approve continuing education opportunities that are appli-
30 cable and relevant to the licensees regulated by the authority or the board. A board may encourage
31 a licensee regulated by the board to complete continuing education opportunities recommended by
32 the authority.

33 (3) A licensee shall report the completion of the continuing education described in subsection
34 (2) of this section to the board that regulates the licensee or to the authority if the licensee is a
35 professional listed in subsection (1)(b)(G) of this section.

36 (4)(a) The authority and a board shall document completion of the continuing education de-
37 scribed in subsection (2) of this section by a licensee regulated by the authority or a board.

38 (b) In consultation with the authority, a board shall adopt rules requiring licensees to submit
39 documentation of completion to the board.

40 (c) The authority shall adopt rules requiring licensees regulated by the authority to submit
41 documentation of completion to the authority.

42 (5) The authority and a board may adopt rules to:

43 (a) Identify the experience and training that a licensee regulated by the authority or the board
44 must have in order to be exempt from the requirements of subsection (2) of this section.

45 (b) Allow the concurrent completion of continuing education described in subsection (2) of this

1 section with continuing education opportunities related to professional ethics or cultural compe-
 2 tency if the opportunities also provide the continuing education described in subsection (2) of this
 3 section.

4 (6) A board, on or before March 1 of each odd-numbered year, shall report to the authority on
 5 the information described in subsection (4) of this section, as well as information about the imple-
 6 mentation of the continuing education described in subsection (2) of this section.

7 (7) The authority, on or before August 1 of each odd-numbered year, shall report to the interim
 8 committees of the Legislative Assembly related to health care on the information submitted to the
 9 authority under subsection (6) of this section and information collected by the authority under sub-
 10 section (4) of this section. The authority shall remove any personally identifiable information col-
 11 lected by or submitted to the authority under subsection (4) or (6) of this section.

12 (8) The authority may use the information collected by the authority under subsection (4) of this
 13 section in conjunction with the information described in ORS 676.860 to facilitate improvements in
 14 suicide risk assessment, treatment and management efforts in this state.

15 (9)(a) The authority and a board may adopt rules to carry out this section.

16 (b) The authority may adopt rules to define and regulate the professions listed in subsection
 17 (1)(b)(G) of this section.

18 **SECTION 73.** ORS 681.230 is amended to read:

19 681.230. (1) Without obtaining a license under this chapter, a person may use a procedure in-
 20 cluded in the practice of speech-language pathology or audiology if the procedure is within the
 21 person's scope of practice and the person is:

22 (a) Licensed by a health professional regulatory board as defined in ORS 676.160;

23 (b) Performing basic audiometric testing under the supervision of a physician licensed under
 24 ORS chapter 677 or a naturopathic physician licensed under ORS chapter 685 and representing that
 25 the person is a medical assistant or audiology assistant;

26 (c) A teacher who is licensed by the [*Teacher Standards and Practices Commission*] **Department**
 27 **of Education** and who holds a hearing impaired endorsement issued by the [*commission*] **depart-**
 28 **ment**;

29 (d) A student participating in supervised field work or supervised course work in speech-
 30 language pathology or audiology as part of a college or university program approved by the State
 31 Board of Examiners for Speech-Language Pathology and Audiology; or

32 (e) A student taking an undergraduate course in speech-language pathology approved by the
 33 board.

34 (2) A person practicing speech-language pathology or audiology without a license under sub-
 35 section (1) of this section may not represent or imply that the person is a speech-language
 36 pathologist, speech-language pathology assistant or audiologist.

37 (3) A person practicing speech-language pathology or audiology without a license under sub-
 38 section (1)(d) or (e) of this section:

39 (a) Must use a title that indicates that the person is a student trainee.

40 (b) May not be paid for speech-language pathology or audiology services provided by the person,
 41 except that the person may be provided a reasonable educational stipend.

42 (4) Without obtaining a license under this chapter, a person may:

43 (a) Consult with or disseminate the person's research findings and scientific information to an
 44 accredited academic institution or a governmental agency; and

45 (b) Offer lectures to the public for a fee, monetary or otherwise.

SECTION 74. ORS 681.360 is amended to read:

681.360. (1) A person may not perform the duties of a speech-language pathology assistant or use the title speech-language pathology assistant without a certificate to do so issued under this section.

(2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a person shall:

(a) Submit an application in the form prescribed by the State Board of Examiners for Speech-Language Pathology and Audiology;

(b) Pay the certificate fee established by the board;

(c) Demonstrate that the person meets the qualifications for certification established by the board; and

(d) Comply with all other requirements for certification established by the board.

(3) A certificate issued under this section expires every two years. To renew a certificate to perform the duties of a speech-language pathology assistant, a person shall:

(a) Submit the renewal application in the form prescribed by the board;

(b) Pay the renewal fee established by the board; and

(c) Comply with all other requirements for certificate renewal established by the board, including but not limited to submission of evidence of participation in professional development activities.

(4) A person may not employ or otherwise use the services of a speech-language pathology assistant unless the speech-language pathology assistant is certified under this section.

(5) The board may establish by rule qualifications and conditions under which a person not licensed under this chapter who holds a preliminary teaching license or professional teaching license in speech impaired or a preliminary teaching license, professional teaching license or distinguished teacher leader license in communication disorders issued by the [*Teacher Standards and Practices Commission*] **Department of Education** may supervise a speech-language pathology assistant working in a school.

(6) The board may refuse to issue a certificate, or may suspend or revoke the certificate, of any certified speech-language pathology assistant pursuant to the provisions of ORS 681.350.

SECTION 75. ORS 342.410 and 344.062 are repealed.

SECTION 76. (1) **Section 1 of this 2024 Act and the amendments to ORS 181A.180, 326.726, 329.496, 329.603, 329.788, 336.635, 336.680, 338.120, 338.135, 339.250, 339.370, 339.372, 339.374, 339.378, 339.388, 339.389, 339.390, 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130, 342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173, 342.175, 342.176, 342.177, 342.183, 342.192, 342.195, 342.200, 342.202, 342.203, 342.223, 342.350, 342.390, 342.420, 342.425, 342.430, 342.443, 342.455, 342.465, 342.475, 342.485, 342.553, 342.621, 342.856, 342.940, 342.971, 343.328, 344.059, 348.295, 419B.005, 419B.019, 419B.035, 675.520, 676.866, 681.230 and 681.360 and section 4, chapter 756, Oregon Laws 2015, and section 9a, chapter 518, Oregon Laws 2021, by sections 2 to 74 of this 2024 Act and the repeal of ORS 342.410 and 344.062 by section 75 of this 2024 Act become operative on July 1, 2025.**

(2) **Notwithstanding the operative date set forth in subsection (1) of this section, the Teacher Standards and Practices Commission, the State Board of Education, the Department of Education and the Educator Advancement Council may take any action before the operative date set forth in subsection (1) of this section that is necessary for the Department of Education to exercise, on and after the operative date set forth in subsection (1) of this section, all of the duties, functions and powers conferred on the department by section 1 of**

1 this 2024 Act and the amendments to ORS 181A.180, 326.726, 329.496, 329.603, 329.788, 336.635,
 2 336.680, 338.120, 338.135, 339.250, 339.370, 339.372, 339.374, 339.378, 339.388, 339.389, 339.390,
 3 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130, 342.136, 342.137,
 4 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173, 342.175, 342.176, 342.177, 342.183,
 5 342.192, 342.195, 342.200, 342.202, 342.203, 342.223, 342.350, 342.390, 342.420, 342.425, 342.430,
 6 342.443, 342.455, 342.465, 342.475, 342.485, 342.553, 342.621, 342.856, 342.940, 342.971, 343.328,
 7 344.059, 348.295, 419B.005, 419B.019, 419B.035, 675.520, 676.866, 681.230 and 681.360 and section
 8 4, chapter 756, Oregon Laws 2015, and section 9a, chapter 518, Oregon Laws 2021, by sections
 9 2 to 74 of this 2024 Act and the repeal of ORS 342.410 and 344.062 by section 75 of this 2024
 10 Act.

11 (3) No later than September 15, 2024, the Teacher Standards and Practices Commission,
 12 the State Board of Education, the Department of Education and the Educator Advancement
 13 Council shall submit a report concerning the progress of the transfer of duties, functions and
 14 powers to the interim committees of the Legislative Assembly related to education.

15 **SECTION 77.** (1) The executive director of the Teacher Standards and Practices Com-
 16 mission shall:

17 (a) Deliver to the Department of Education all records and property within the jurisdic-
 18 tion of the executive director that relate to the duties, functions and powers transferred by
 19 section 1 of this 2024 Act; and

20 (b) Transfer to the Department of Education those employees engaged primarily in the
 21 exercise of the duties, functions and powers transferred by section 1 of this 2024 Act.

22 (2) The Superintendent of Public Instruction shall take possession of the records and
 23 property, and shall take charge of the employees and employ them in the exercise of the
 24 duties, functions and powers transferred by section 1 of this 2024 Act, without reduction of
 25 compensation but subject to change or termination of employment or compensation as pro-
 26 vided by law.

27 (3) The Governor shall resolve any dispute between the Teacher Standards and Practices
 28 Commission and the Department of Education relating to transfers of records, property and
 29 employees under this section, and the Governor's decision is final.

30 **SECTION 78.** (1) The unexpended balances of amounts authorized to be expended by the
 31 Teacher Standards and Practices Commission for the biennium beginning July 1, 2023, from
 32 revenues dedicated, continuously appropriated, appropriated or otherwise made available for
 33 the purpose of administering and enforcing the duties, functions and powers transferred by
 34 section 1 of this 2024 Act are transferred to and are available for expenditure by the De-
 35 partment of Education for the biennium beginning July 1, 2025, for the purpose of adminis-
 36 tering and enforcing the duties, functions and powers transferred by section 1 of this 2024
 37 Act.

38 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
 39 expenditures by the Teacher Standards and Practices Commission remain applicable to
 40 expenditures by the Department of Education under this section.

41 **SECTION 79.** The transfer of duties, functions and powers to the Department of Educa-
 42 tion by section 1 of this 2024 Act does not affect any action, proceeding or prosecution in-
 43 volving or with respect to the duties, functions and powers begun before and pending at the
 44 time of the transfer, except that the Department of Education is substituted for the Teacher
 45 Standards and Practices Commission in the action, proceeding or prosecution.

1 **SECTION 80.** (1) Nothing in the amendments to ORS 181A.180, 326.726, 329.496, 329.603,
 2 329.788, 336.635, 336.680, 338.120, 338.135, 339.250, 339.370, 339.372, 339.374, 339.378, 339.388,
 3 339.389, 339.390, 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130,
 4 342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173, 342.175, 342.176,
 5 342.177, 342.183, 342.192, 342.195, 342.200, 342.202, 342.203, 342.223, 342.350, 342.390, 342.420,
 6 342.425, 342.430, 342.443, 342.455, 342.465, 342.475, 342.485, 342.553, 342.621, 342.856, 342.940,
 7 342.971, 343.328, 344.059, 348.295, 419B.005, 419B.019, 419B.035, 675.520, 676.866, 681.230 and
 8 681.360 and section 4, chapter 756, Oregon Laws 2015, and section 9a, chapter 518, Oregon
 9 Laws 2021, by sections 2 to 74 of this 2024 Act or the repeal of ORS 342.410 and 344.062 by
 10 section 75 of this 2024 Act relieves a person of a liability, duty or obligation accruing under
 11 or with respect to the duties, functions and powers transferred by section 1 of this 2024 Act.
 12 The Department of Education may undertake the collection or enforcement of any such li-
 13 ability, duty or obligation.

14 (2)(a) The rights and obligations of the Teacher Standards and Practices Commission le-
 15 gally incurred under contracts, leases and business transactions executed, entered into or
 16 begun before the operative date of section 1 of this 2024 Act accruing under or with respect
 17 to the duties, functions and powers transferred by section 1 of this 2024 Act are transferred
 18 to the Department of Education. For the purpose of succession to these rights and obli-
 19 gations, the Department of Education is a continuation of the Teacher Standards and Prac-
 20 tices Commission and not a new authority.

21 (b) The rights and obligations of the Educator Advancement Council legally incurred
 22 under contracts, leases and business transactions executed, entered into or begun before the
 23 operative date of the amendments to ORS 342.940 by section 62 of this 2024 Act accruing
 24 under or with respect to the duties, functions and powers transferred by the amendments
 25 to ORS 342.940 by section 62 of this 2024 Act are transferred to the Department of Education.
 26 For the purpose of succession to these rights and obligations, the Department of Education
 27 is a continuation of the Educator Advancement Council and not a new authority.

28 **SECTION 81.** (1) Notwithstanding the transfer of duties, functions and powers by section
 29 1 of this 2024 Act, the rules of the Teacher Standards and Practices Commission with respect
 30 to such duties, functions or powers that are in effect on the operative date of section 1 of
 31 this 2024 Act continue in effect until superseded or repealed by rules of the State Board of
 32 Education. References in the rules of the Teacher Standards and Practices Commission to
 33 the Teacher Standards and Practices Commission or an officer or employee of the Teacher
 34 Standards and Practices Commission are considered to be references to the Department of
 35 Education or an officer or employee of the Department of Education.

36 (2) Notwithstanding the transfer of duties, functions and powers by the amendments to
 37 ORS 342.940 by section 62 of this 2024 Act, the rules of the Educator Advancement Council
 38 with respect to such duties, functions or powers that are in effect on the operative date of
 39 the amendments to ORS 342.940 by section 62 of this 2024 Act continue in effect until su-
 40 perseded or repealed by rules of the State Board of Education. References in the rules of the
 41 Educator Advancement Council to the Educator Advancement Council or an officer or em-
 42 ployee of the Educator Advancement Council are considered to be references to the Depart-
 43 ment of Education or an officer or employee of the Department of Education.

44 **SECTION 82.** (1) Whenever, in any uncodified law or resolution of the Legislative As-
 45 sembly or in any rule, document, record or proceeding authorized by the Legislative Assem-

1 bly, in the context of the duties, functions and powers transferred by section 1 of this 2024
2 Act, reference is made to the Teacher Standards and Practices Commission, or an officer
3 or employee of the Teacher Standards and Practices Commission, whose duties, functions
4 or powers are transferred by section 1 of this 2024 Act, the reference is considered to be a
5 reference to the Department of Education or an officer or employee of the Department of
6 Education who by this 2024 Act is charged with carrying out the duties, functions and pow-
7 ers.

8 (2) Whenever, in any uncodified law or resolution of the Legislative Assembly or in any
9 rule, document, record or proceeding authorized by the Legislative Assembly, in the context
10 of the duties, functions and powers transferred by the amendments to ORS 342.940 by section
11 62 of this 2024 Act, reference is made to the Educator Advancement Council, or an officer
12 or employee of the Educator Advancement Council, whose duties, functions or powers are
13 transferred by the amendments to ORS 342.940 by section 62 of this 2024 Act, the reference
14 is considered to be a reference to the Department of Education or an officer or employee of
15 the Department of Education who by this 2024 Act is charged with carrying out the duties,
16 functions and powers.

17 SECTION 83. This 2024 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect
19 on its passage.

20
