

# House Bill 3205

Sponsored by Representatives GREENLICK, KOMP; Representative SHIELDS

## 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**.

Establishes program to certify persons as school social workers.

Allows district school board to establish child development specialist program in any school of school district.

## A BILL FOR AN ACT

1  
2 Relating to licensure authority of Teacher Standards and Practices Commission; creating new pro-  
3 visions; and amending ORS 329.007, 329.255, 339.871, 342.120, 342.223 and 342.227.

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

5 **SECTION 1. (1) The Teacher Standards and Practices Commission shall issue a certificate**  
6 **as a school social worker to a person who qualifies for certification as provided by this sec-**  
7 **tion. A school social worker shall provide counseling, guidance and assistance in the form**  
8 **of social services at a school for the benefit of students in the school.**

9 **(2) A person qualifies for certification as a school social worker if the person:**

10 **(a) Is trained or educated in providing social services to children; and**

11 **(b) Complies with the rules adopted by the commission for certification as a school social**  
12 **worker.**

13 **(3) A person may qualify for certification as a school social worker as provided under this**  
14 **section without being licensed as provided by ORS 675.530 or certified as provided by ORS**  
15 **675.537.**

16 **(4) The commission may issue an emergency school social worker certificate that au-**  
17 **thorizes a person to practice as a school social worker if the person is licensed as provided**  
18 **by ORS 675.530 or certified as provided by ORS 675.537. Certificates issued under this sub-**  
19 **section must be issued for a limited time as established by the commission.**

20 **(5) A certificate issued under this section is not a teaching license. A person holding a**  
21 **certificate issued under this section is not subject to ORS 238.280 or 342.805 to 342.937.**

22 **SECTION 2. (1) The Teacher Standards and Practices Commission shall adopt by rule**  
23 **standards necessary for the issuance, denial, continuation, renewal, lapse or reinstatement**  
24 **of school social worker certificates issued under section 1 of this 2009 Act and for the es-**  
25 **tablishment and collection of fees for certification as a school social worker. The commission**  
26 **may adopt by rule procedures for revocation of a certificate issued under section 1 of this**  
27 **2009 Act that are consistent with ORS 342.175 to 342.190.**

28 **(2) The commission shall consult with the State Board of Clinical Social Workers on the**  
29 **qualifications and practices involved in school social work.**

30 **SECTION 3. ORS 329.007 is amended to read:**

31 **329.007. As used in this chapter, unless the context requires otherwise:**

**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 (1) “Academic content standards” means expectations of student knowledge and skills adopted  
2 by the State Board of Education under ORS 329.045.

3 (2) “Administrator” includes all persons whose duties require an administrative license.

4 (3) “Board” or “state board” means the State Board of Education.

5 (4) “Community learning center” means a school-based or school-linked program providing in-  
6 formal meeting places and coordination for community activities, adult education, child care, infor-  
7 mation and referral and other services as described in ORS 329.157. “Community learning center”  
8 includes, but is not limited to, a community school program as defined in ORS 336.505, family re-  
9 source centers as described in ORS 417.725, full service schools, lighted schools and 21st century  
10 community learning centers.

11 (5) “Department” means the Department of Education.

12 (6) “English” includes, but is not limited to, reading and writing.

13 (7) “History, geography, economics and civics” includes, but is not limited to, Oregon Studies.

14 (8) “Oregon Studies” means history, geography, economics and civics specific to the State of  
15 Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal  
16 and state government, as well as the electoral and legislative processes.

17 (9) “Parents” means parents or guardians of students who are covered by this chapter.

18 (10) “Public charter school” has the meaning given that term in ORS 338.005.

19 (11) “School district” means a school district as defined in ORS 332.002, a state-operated school  
20 or any legally constituted combination of such entities.

21 (12) “Second languages” means any foreign language or American Sign Language.

22 (13) “Teacher” means any licensed employee of a school district who has direct responsibility  
23 for instruction, coordination of educational programs or supervision of students and who is com-  
24 pensated for such services from public funds. “Teacher” does not include **a person:**

25 (a) **Who is** a school nurse, as defined in ORS 342.455[ *or a person*];

26 (b) Whose duties require an administrative license[.]; **or**

27 (c) **Who is certified as a school social worker as provided by section 1 of this 2009 Act.**

28 (14) “The arts” includes, but is not limited to, literary arts, performing arts and visual arts.

29 (15) “21st Century Schools Council” means a council established pursuant to ORS 329.704.

30 **SECTION 4.** ORS 339.871 is amended to read:

31 339.871. (1) A school administrator, school nurse, **school social worker**, teacher or other school  
32 employee designated by the school administrator is not liable in a criminal action or for civil dam-  
33 ages as a result of a student’s self-administration of medication, as described in ORS 339.866, if the  
34 school administrator, school nurse, **school social worker**, teacher or other school employee, in  
35 compliance with the instructions of the student’s Oregon licensed health care professional, in good  
36 faith assists the student’s self-administration of the medication pursuant to written permission and  
37 instructions of the student’s parent, guardian or Oregon licensed health care professional.

38 (2) The civil and criminal immunities imposed by this section do not apply to an act or omission  
39 amounting to gross negligence or willful and wanton misconduct.

40 **SECTION 5.** ORS 342.120 is amended to read:

41 342.120. As used in this chapter, unless the context requires otherwise:

42 (1) “Administrator” includes all superintendents, assistant superintendents and principals in the  
43 public schools or education service districts.

44 (2) “Approved teacher education institution” is one which meets the standards of the Teacher  
45 Standards and Practices Commission for preparation of teachers for preprimary programs and grades

1 1 through 12.

2 (3) "Approved teacher education program" is one offered by an approved teacher education in-  
 3 stitution and is so recognized by the Teacher Standards and Practices Commission, after considering  
 4 recommendations of the State Board of Education.

5 (4) "Commission" means the Teacher Standards and Practices Commission.

6 (5) "Educational assistant" means a classified school employee who does not require a license  
 7 to teach, who is employed by a school district or education service district and whose assignment  
 8 consists of and is limited to assisting a licensed teacher in accordance with rules established by the  
 9 State Board of Education.

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

14 (7) "Intern teacher" means a regularly enrolled student of an approved teacher education insti-  
 15 tution who teaches under the supervision of the staff of the institution and of the employing school  
 16 district in order to acquire practical experience in teaching and for which the student receives both  
 17 academic credit from the institution and financial compensation from the school district or educa-  
 18 tion service district.

19 (8) "State board" means the State Board of Education.

20 (9) "Teacher" includes all licensed employees in the public schools or employed by an education  
 21 service district who have direct responsibility for instruction, coordination of educational programs  
 22 or supervision or evaluation of teachers and who are compensated for their services from public  
 23 funds. "Teacher" does not include a **person who is a school nurse as defined in ORS 342.455 or a**  
 24 **person certified as a school social worker as provided by section 1 of this 2009 Act.**

25 (10) "Teaching license" means a license issued under ORS 342.125 or 342.144.

26 **SECTION 6.** ORS 342.223, as amended by section 8, chapter 39, Oregon Laws 2008, is amended  
 27 to read:

28 342.223. (1) For the purpose of requesting a state or nationwide criminal records check under  
 29 ORS 181.534, the Teacher Standards and Practices Commission may require the fingerprints of:

30 (a) A person who is applying for initial issuance of a license under ORS 342.120 to 342.430 as  
 31 a teacher, administrator or personnel specialist if the person has not submitted to a criminal records  
 32 check by the commission within the previous year.

33 (b) A person who is applying for reinstatement of a license as a teacher, administrator or per-  
 34 sonnel specialist whose license has lapsed for at least three years.

35 (c) A person who is applying for initial issuance of a certificate under ORS 342.475 as a school  
 36 nurse **or under section 1 of this 2009 Act as a school social worker.**

37 (d) A person who is registering with the commission for student teaching, practicum or  
 38 internship as a teacher, administrator or personnel specialist, if the person has not submitted to a  
 39 criminal records check by the commission within the previous three years for student teaching,  
 40 practicum or internship as a teacher, administrator or personnel specialist.

41 (e) A person who is applying for initial issuance of a registration as a public charter school  
 42 teacher or administrator under ORS 342.125.

43 (2) The making of any false statement as to the conviction of a crime is grounds for refusal to  
 44 issue, renew or reinstate a license, certificate or registration and is in addition to the grounds stated  
 45 in ORS 342.143.

1 (3) A person may appeal the refusal to issue an initial license, certificate or registration under  
2 this section as a contested case under ORS 183.413 to 183.470, but the refusal to renew or reinstate  
3 a license or registration is subject to ORS 342.175 to 342.180, and the commission shall notify the  
4 person of the right to appeal.

5 **SECTION 7.** ORS 342.227 is amended to read:

6 342.227. The Teacher Standards and Practices Commission may issue to an individual a tempo-  
7 rary license or certificate as a teacher, administrator, personnel specialist, [*or*] school nurse **or**  
8 **school social worker** pending the return of the criminal records check by the Federal Bureau of  
9 Investigation.

10 **SECTION 8.** ORS 329.255 is amended to read:

11 329.255. (1) [*The*] **Any** district school board [*of every school district operating any elementary*  
12 *schools*] may establish a child development specialist program.

13 (2) If a district school board establishes a child development specialist program, the school dis-  
14 trict must meet the following requirements:

15 (a) The school district shall submit a written plan describing the program to the Department  
16 of Education and the program must be approved by the department.

17 (b) Upon approval of a program, a school district shall submit child development specialist  
18 candidate applications for department approval.

19 (c) The school district shall conduct an annual review of the program and submit an updated  
20 plan to the department for reauthorization of the program.

21 (d) Each child development specialist employed by a school district shall complete an annual  
22 evaluation of the specialist's child development plan to be included with the school district's updated  
23 plan.

24 (3) The department shall review the plans annually.

25 (4) School districts may provide the child development specialist program by contract with  
26 qualified state or local programs.

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