

# House Bill 3339

Sponsored by Representative JOHNSON; Representatives KOMP, REARDON, Senators HASS, MONROE

## 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**.

Transfers Teacher Standards and Practices Commission to Department of Education. Transfers duties, functions and powers of commission to State Board of Education and Department of Education, except disciplinary procedures.

Changes name of Teacher Standards and Practices Commission to Teacher Standards and Practices Division.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the Teacher Standards and Practices Commission; creating new provisions; amending  
3 ORS 181.525, 329.788, 329.800, 336.635, 338.120, 338.135, 339.250, 339.374, 339.388, 341.535, 342.120,  
4 342.121, 342.122, 342.123, 342.125, 342.127, 342.130, 342.135, 342.136, 342.137, 342.138, 342.140,  
5 342.143, 342.144, 342.147, 342.153, 342.156, 342.165, 342.173, 342.175, 342.176, 342.177, 342.180,  
6 342.183, 342.192, 342.195, 342.197, 342.200, 342.202, 342.203, 342.223, 342.227, 342.350, 342.360,  
7 342.390, 342.410, 342.420, 342.430, 342.443, 342.455, 342.465, 342.475, 342.485, 342.553, 342.856,  
8 342.971, 419B.005, 419B.035, 675.520, 681.230 and 681.360; repealing ORS 342.167 and 342.380; and  
9 declaring an emergency.

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

11 **SECTION 1. (1) All the duties, functions and powers of the Teacher Standards and**  
12 **Practices Commission relating to oversight, rulemaking and policymaking are imposed upon,**  
13 **transferred to and vested in the State Board of Education.**

14 **(2) All the duties, functions and powers of the Teacher Standards and Practices Com-**  
15 **mission relating to administration, except disciplinary procedures, are imposed upon, trans-**  
16 **ferred to and vested in the Department of Education.**

17 **SECTION 2. (1) The executive director of the Teacher Standards and Practices Commis-**  
18 **sion shall:**

19 **(a) Deliver to the Superintendent of Public Instruction all records and property within**  
20 **the jurisdiction of the executive director that relate to the duties, functions and powers**  
21 **transferred by section 1 of this 2015 Act; and**

22 **(b) Transfer to the Superintendent of Public Instruction those employees engaged pri-**  
23 **marily in the exercise of the duties, functions and powers transferred by section 1 of this**  
24 **2015 Act.**

25 **(2) The Superintendent of Public Instruction shall take possession of the records and**  
26 **property, and shall take charge of the employees and employ them in the exercise of the**  
27 **duties, functions and powers transferred by section 1 of this 2015 Act without reduction of**  
28 **compensation but subject to change or termination of employment or compensation as pro-**  
29 **vided by law.**

**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 (3) The Governor shall resolve any dispute relating to transfers of records, property and  
 2 employees under this section, and the Governor's decision is final.

3 **SECTION 3.** (1) The unexpended balances of amounts authorized to be expended by the  
 4 Teacher Standards and Practices Commission for the biennium beginning July 1, 2015, from  
 5 revenues dedicated, continuously appropriated, appropriated or otherwise made available for  
 6 the purpose of administering and enforcing the duties, functions and powers transferred by  
 7 section 1 of this 2015 Act are transferred to and are available for expenditure by the De-  
 8 partment of Education for the biennium beginning July 1, 2015, for the purpose of adminis-  
 9 tering and enforcing the duties, functions and powers transferred by section 1 of this 2015  
 10 Act.

11 (2) The expenditure classifications, if any, established by Acts authorizing or limiting  
 12 expenditures by the Teacher Standards and Practices Commission remain applicable to  
 13 expenditures by the Department of Education under this section.

14 **SECTION 4.** The transfer of duties, functions and powers by section 1 of this 2015 Act  
 15 does not affect any action, proceeding or prosecution involving or with respect to such du-  
 16 ties, functions and powers begun before and pending at the time of the transfer, except that  
 17 the Department of Education is substituted for the Teacher Standards and Practices Com-  
 18 mission in the action, proceeding or prosecution.

19 **SECTION 5.** (1) Nothing in sections 1 to 7 of this 2015 Act, the amendments to statutes  
 20 by sections 9 and 11 to 72 of this 2015 Act or the repeal of statutes by section 73 of this 2015  
 21 Act relieves a person of a liability, duty or obligation accruing under or with respect to the  
 22 duties, functions and powers transferred by section 1 of this 2015 Act. The Department of  
 23 Education may undertake the collection or enforcement of any such liability, duty or obli-  
 24 gation.

25 (2) The rights and obligations of the Teacher Standards and Practices Commission legally  
 26 incurred under contracts, leases and business transactions executed, entered into or begun  
 27 before the operative date of section 1 of this 2015 Act are transferred to the Department of  
 28 Education. For the purpose of succession to these rights and obligations, the Department  
 29 of Education is a continuation of the Teacher Standards and Practices Commission and not  
 30 a new authority.

31 **SECTION 6.** Notwithstanding the transfer of duties, functions and powers by section 1  
 32 of this 2015 Act, the rules of the Teacher Standards and Practices Commission in effect on  
 33 the operative date of section 1 of this 2015 Act continue in effect until superseded or repealed  
 34 by rules of the State Board of Education. References in rules of the Teacher Standards and  
 35 Practices Commission to the Teacher Standards and Practices Commission or an officer or  
 36 employee of the Teacher Standards and Practices Commission are considered to be refer-  
 37 ences to:

38 (1) The State Board of Education or an officer or employee of the board for any duties,  
 39 functions or powers related to oversight, rulemaking or policymaking.

40 (2) The Department of Education or an officer or employee of the department for any  
 41 duties, functions or powers related to administration, except disciplinary procedures.

42 **SECTION 7.** Whenever, in any statutory law or resolution of the Legislative Assembly  
 43 or in any rule, document, record or proceeding authorized by the Legislative Assembly, ref-  
 44 erence is made to the Teacher Standards and Practices Commission or an officer or em-  
 45 ployee of the Teacher Standards and Practices Commission, the reference is considered to

1 **be a reference to:**

2 (1) **The State Board of Education or an officer or employee of the board in relation to**  
 3 **oversight, rulemaking and policymaking.**

4 (2) **The Department of Education or an officer or employee of the department in relation**  
 5 **to administration, except disciplinary procedures.**

6 **SECTION 8. Sections 1 to 7 of this 2015 Act become operative on January 1, 2016.**

7 **SECTION 9. ORS 342.350 is amended to read:**

8 342.350. (1) There is created a Teacher Standards and Practices [*Commission consisting*] **Divi-**  
 9 **sion within the Department of Education. The division shall be responsible for:**

10 (a) **Disciplinary procedures related to the licensure or registration of persons under this**  
 11 **chapter, including investigations and hearings under ORS 342.176, 342.177 and 342.183; and**

12 (b) **Making recommendations to the State Board of Education for the purpose of adopting**  
 13 **rules and standards related to teachers and administrators licensed or registered under this**  
 14 **chapter.**

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

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

22 [(3)] (4) Any member who through change of employment standing or other circumstances no  
 23 longer meets the criteria for the position to which the member was appointed shall no longer be  
 24 eligible to serve in that position, and the position [*on the commission*] **in the division** shall become  
 25 vacant 60 days following the member's change in circumstances.

26 **SECTION 10. For the purpose of harmonizing and clarifying statutory law, the Legislative**  
 27 **Counsel may substitute for words designating the "Teacher Standards and Practices Com-**  
 28 **mission" or its officers or employees, wherever they occur in statutory law, words desig-**  
 29 **nating:**

30 (1) **The "State Board of Education" or its officers or employees in relation to any duties,**  
 31 **functions or powers that relate to oversight, rulemaking or policymaking.**

32 (2) **The "Department of Education" or its officers or employees in relation to any duties,**  
 33 **functions or powers that relate to administration, except disciplinary procedures.**

34 (3) **The "Teacher Standards and Practices Division" or its officers or employees in re-**  
 35 **lation to any duties, functions or powers that relate to disciplinary procedures.**

36 **SECTION 11. ORS 181.525 is amended to read:**

37 181.525. Whenever any court or district attorney receives a disposition report and the court or  
 38 district attorney has cause to believe that the arrested person who is the subject of the report is  
 39 an employee of a school district or is licensed as a school teacher or administrator and that the  
 40 charge involves a violation of any crime listed in ORS 342.143 (3), the court or district attorney shall  
 41 cause [*the Teacher Standards and Practices Commission and the Department of Education to be sent*]  
 42 a copy of the completed disposition report **to be sent to the Department of Education.**

43 **SECTION 12. ORS 329.788 is amended to read:**

44 329.788. As used in ORS 329.788 to 329.820:

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

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

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

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

5 (2) “Beginning teacher” means a teacher who:

6 (a) Possesses a teaching license issued by the [*Teacher Standards and Practices Commission*]  
 7 **department;**

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

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

11 (3) “Mentor” means an individual who:

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

13 (b) Has met established best practice and researched-based criteria as defined by the State  
 14 Board of Education by rule;

15 (c) Possesses a teaching or administrative license issued by the [*Teacher Standards and Practices*  
 16 *Commission*] **department;**

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

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

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

26 **SECTION 13.** ORS 329.800 is amended to read:

27 329.800. (1) Each school district that wishes to participate in the beginning teacher and admin-  
 28 istrator mentorship program shall submit a formal application to the Department of Education. The  
 29 application shall include:

30 (a) The names of all eligible beginning teachers and administrators employed by the school dis-  
 31 trict and a description of their assignments; and

32 (b) A description of the proposed mentorship program, which must provide frequent contact, to-  
 33 taling a minimum of 90 hours, between the mentors and beginning teachers and administrators  
 34 throughout the school year.

35 (2) The school district shall certify in the application that no eligible beginning professional  
 36 educators are or may be under a conditional license, except as provided in rules of the [*Teacher*  
 37 *Standards and Practices Commission*] **State Board of Education.**

38 **SECTION 14.** ORS 336.635 is amended to read:

39 336.635. (1) The parent or guardian of a student may enroll the student in one of the proposed  
 40 public alternative education programs or private alternative education programs of instruction or  
 41 instruction combined with counseling if:

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

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

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

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

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

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

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

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

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

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

26 (7) Any basic, standard, initial or professional teaching license or teacher leader license issued  
 27 by the [*Teacher Standards and Practices Commission*] **Department of Education** is valid for  
 28 teaching all subjects and grade levels in an alternative education program operated by a school  
 29 district or education service district.

30 **SECTION 15.** ORS 338.120 is amended to read:

31 338.120. (1) In addition to any other requirements of this chapter for a public charter school, a  
 32 virtual public charter school must have:

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

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

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

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

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

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

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

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

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

3 (B) Teachers who are licensed to teach by the [*Teacher Standards and Practices Commission*]  
 4 **Department of Education** and who are highly qualified as described in the federal No Child Left  
 5 Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425) teach at least 95 percent of the school's instruc-  
 6 tional hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (2) For a virtual public charter school:

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

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

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

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

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

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

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

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

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

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

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

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

29 (4)(a) The sponsor or a member of the public may request access to any of the documents de-  
 30 scribed in subsections (1) and (3)(d) of this section that are public records, as provided by ORS  
 31 192.410 to 192.505.

32 (b) Upon request by a sponsor or a member of the public, a virtual public charter school must  
 33 provide reasonable access to the documents described in subsections (1) and (3)(d) of this section  
 34 that are public records, as provided by ORS 192.410 to 192.505. The documents may be provided  
 35 electronically.

36 **SECTION 16.** ORS 338.135 is amended to read:

37 338.135. (1) Employee assignment to a public charter school shall be voluntary.

38 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-  
 39 ployer of any employees of the public charter school. If a school district board is not the sponsor  
 40 of the public charter school, the school district board may not be the employer of the employees of  
 41 the public charter school and the school district board may not collectively bargain with the em-  
 42 ployees of the public charter school. The public charter school governing body shall control the  
 43 selection of employees at the public charter school.

44 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts  
 45 with a for-profit entity to provide educational services through the virtual public charter school, the

1 for-profit entity may not be the employer of any employees of the virtual public charter school un-  
 2 less:

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

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

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

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

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

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

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

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

21 (4) An employee of a public charter school operating within a school district who is granted a  
 22 leave of absence from the school district and returns to employment with the school district shall  
 23 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.  
 24 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of  
 25 a public charter school not operating within the school district may make provisions for the return  
 26 of the employee to employment with the school district.

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

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

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

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

36 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time  
 37 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by  
 38 the [*commission*] **department** pursuant to ORS 342.135, 342.136, 342.138 or 342.140.

39 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district  
 40 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member  
 41 of a labor organization or organize with other employees to bargain collectively. Bargaining units  
 42 at the public charter school may be separate from other bargaining units of the sponsor or of the  
 43 school district in which the public charter school is located. Employees of a public charter school  
 44 may be part of the bargaining units of the sponsor or of the school district in which the public  
 45 charter school is located.

1 (9) An entity described in ORS 338.005 (5) may not waive the right to sponsor a public charter  
2 school in a collective bargaining agreement.

3 **SECTION 17.** ORS 338.135, as amended by section 7, chapter 327, Oregon Laws 2013, is  
4 amended to read:

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

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

12 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts  
13 with a for-profit entity to provide educational services through the virtual public charter school, the  
14 for-profit entity may not be the employer of any employees of the virtual public charter school.

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

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

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

23 (4) An employee of a public charter school operating within a school district who is granted a  
24 leave of absence from the school district and returns to employment with the school district shall  
25 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.  
26 Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of  
27 a public charter school not operating within the school district may make provisions for the return  
28 of the employee to employment with the school district.

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

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

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

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

38 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time  
39 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by  
40 the [*commission*] **department** pursuant to ORS 342.135, 342.136, 342.138 or 342.140.

41 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district  
42 for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member  
43 of a labor organization or organize with other employees to bargain collectively. Bargaining units  
44 at the public charter school may be separate from other bargaining units of the sponsor or of the  
45 school district in which the public charter school is located. Employees of a public charter school

1 may be part of the bargaining units of the sponsor or of the school district in which the public  
2 charter school is located.

3 (9) An entity described in ORS 338.005 (5) may not waive the right to sponsor a public charter  
4 school in a collective bargaining agreement.

5 **SECTION 18.** ORS 339.250 is amended to read:

6 339.250. (1) Public school students shall comply with rules for the government of such schools,  
7 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' au-  
8 thority.

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

11 (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited  
12 to:

13 (A) Willful disobedience;

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

15 (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;

16 (D) Use or display of profane or obscene language;

17 (E) Willful damage or injury to school property;

18 (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;

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

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

22 (b) Must limit the use of expulsion to the following circumstances:

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

24 (B) When other strategies to change student conduct have been ineffective; or

25 (C) When the expulsion is required by law.

26 (c) Must require consideration of the age of a student and the past pattern of behavior of a  
27 student prior to imposing the suspension or expulsion of a student.

28 (d) Must be limited so that:

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

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

31 (e) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours  
32 as an alternative to suspension if the total number of hours does not exceed the equivalent of 10  
33 school days.

34 (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school  
35 district shall develop a student handbook, code of conduct or other document that:

36 (a) Defines and helps create a learning environment that students respect;

37 (b) Defines acceptable norms of behavior for students and the types of behavior that are subject  
38 to discipline;

39 (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety  
40 of students or employees of the school;

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

43 (e) Makes the system of consequences known to the school community through the dissemination  
44 of information to students, parents, legal guardians and school district employees.

45 (4) Each district school board shall adopt written policies on managing students who threaten

1 violence or harm in public schools. The policies adopted by a district school board under this section  
2 shall include all of the following:

3 (a) Staff reporting methods.

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

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

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

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

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

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

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

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

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

27 (c) Foster positive learning communities;

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

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

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

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

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

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

41 (B) When it has been determined that the student's attendance pattern is so erratic that the  
42 student is not benefiting from the educational program; or

43 (C) 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 339.291.

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 for the reasons specified therein; or

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

7 **SECTION 19.** ORS 339.374 is amended to read:

8 339.374. Except as provided in ORS 339.384, before an education provider may hire an applicant  
9 for a position with the education provider, the education provider shall:

10 (1) Require the applicant to provide:

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

12 (b) A written authorization that authorizes the applicant's current and former employers that  
13 are education providers to disclose the information requested under subsection (2) of this section.

14 (c) A written statement of whether the applicant:

15 (A) Has been the subject of a substantiated report of abuse or sexual conduct; or

16 (B) Is the subject of an ongoing investigation related to a report of suspected abuse or sexual  
17 conduct.

18 (2) Conduct a review of the employment history of the applicant by contacting the three most  
19 recent employers of the applicant who are education providers and requesting:

20 (a) The following information:

21 (A) The dates of employment of the applicant by the education provider;

22 (B) Whether the applicant was the subject of any substantiated reports of abuse or sexual con-  
23 duct related to the applicant's employment with the education provider;

24 (C) The dates of any substantiated reports;

25 (D) The definitions of abuse and sexual conduct used by the education provider when the edu-  
26 cation provider determined that any reports were substantiated; and

27 (E) The standards used by the education provider to determine whether any reports were sub-  
28 stantiated.

29 (b) Any disciplinary records required to be released as provided by ORS 339.388 (8).

30 (3) For an applicant who is licensed, registered or certified with the [*Teacher Standards and*  
31 *Practices Commission*] **Department of Education**, access online information provided by the [*com-*  
32 *mission*] **department** to verify:

33 (a) That the applicant is licensed, registered or certified by the [*commission*] **department**; and

34 (b) Whether the [*commission*] **department** has provided any information relating to conduct by  
35 the applicant that may constitute abuse or sexual conduct.

36 (4) Conduct a nationwide criminal records check if required by ORS 326.603.

37 **SECTION 20.** ORS 339.388 is amended to read:

38 339.388. (1)(a) A school employee having reasonable cause to believe that a child with whom the  
39 employee comes in contact has suffered abuse by another school employee or by a student, or that  
40 another school employee or a student with whom the employee comes in contact has abused a child,  
41 shall immediately report the information to:

42 (A) The person designated in the policy adopted under ORS 339.372; and

43 (B) A law enforcement agency, the Department of Human Services or a designee of the depart-  
44 ment as required by ORS 419B.010 and 419B.015.

45 (b) A school employee having reasonable cause to believe that a student with whom the em-

1    employee comes in contact has been subjected to sexual conduct by another school employee, or that  
 2    another school employee with whom the employee comes in contact has engaged in sexual conduct,  
 3    shall immediately report the information to the person designated in the policy adopted under ORS  
 4    339.372.

5       (2) A person who receives a report under subsection (1) of this section shall follow the proce-  
 6    dures required by the policy adopted by the school board under ORS 339.372.

7       (3)(a) Except as provided in subsection (4) of this section, when an education provider receives  
 8    a report of suspected abuse or sexual conduct by one of its employees, and the education provider's  
 9    designee determines that there is reasonable cause to support the report, the education provider:

10      (A) In the case of suspected abuse, shall place the school employee on paid administrative leave;  
 11    or

12      (B) In the case of suspected sexual conduct, may place the school employee on paid adminis-  
 13    trative leave or in a position that does not involve direct, unsupervised contact with children.

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

16      (A) The Department of Human Services or a law enforcement agency determines that the report  
 17    cannot be substantiated or that the report will not be pursued; or

18      (B) The Department of Human Services or a law enforcement agency determines that the report  
 19    is substantiated and the education provider takes the appropriate disciplinary action against the  
 20    school employee.

21      (4) An education provider may reinstate a school employee placed on paid administrative leave  
 22    for suspected abuse as provided under subsection (3) of this section or may take the appropriate  
 23    disciplinary action against the employee if the Department of Human Services or a law enforcement  
 24    agency is unable to determine, based on a report of suspected abuse, whether abuse occurred.

25      (5) If, following an investigation, an education provider determines that a report of suspected  
 26    abuse or sexual conduct by a school employee is a substantiated report, the education provider shall:

27      (a) Inform the school employee that the education provider has determined that the report has  
 28    been substantiated.

29      (b) Provide the school employee with information about the appropriate appeal process for the  
 30    determination made by the education provider. The appeal process may be the process provided by  
 31    a collective bargaining agreement or a process administered by a neutral third party and paid for  
 32    by the school district.

33      (c) Following notice of a school employee's decision not to appeal the determination or following  
 34    the determination of an appeal that sustained the substantiated report, create a record of the sub-  
 35    stantiated report and place the record in the personnel file of the school employee. Records created  
 36    pursuant to this paragraph are confidential and are not public records as defined in ORS 192.410.  
 37    An education provider may use the record as a basis for providing the information required to be  
 38    disclosed under ORS 339.378.

39      (d) Inform the school employee that information about substantiated reports may be disclosed  
 40    to a potential employer as provided by subsection (8) of this section and ORS 339.378.

41      (6)(a) Notwithstanding the requirements of subsections (3), (4) and (5) of this section, an educa-  
 42    tion provider that is a private school:

43      (A) May discipline or terminate a school employee according to:

44      (i) The provisions of subsections (3) and (4) of this section; or

45      (ii) The standards and policies of the private school if the standards and policies provide the

1 same or greater safeguards for the protection of children compared to the safeguards described in  
2 subsections (3) and (4) of this section.

3 (B) May follow the procedures described in subsection (5) of this section or may follow any ap-  
4 peals process established by the private school related to suspected child abuse or sexual conduct.

5 (b) A private school that chooses to discipline or terminate a school employee according to the  
6 standards and policies of the school must provide the information required to be disclosed under  
7 ORS 339.378.

8 (7) Upon request from a law enforcement agency, the Department of Human Services or the  
9 [*Teacher Standards and Practices Commission*] **Department of Education**, a school district shall  
10 provide the records of investigations of suspected abuse by a school employee or former school em-  
11 ployee.

12 (8)(a) The disciplinary records of a school employee or former school employee convicted of a  
13 crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502.

14 (b) If a school employee is convicted of a crime listed in ORS 342.143, the education provider  
15 that is the employer of the employee shall disclose the disciplinary records of the employee to any  
16 person upon request.

17 (c) If a former school employee is convicted of a crime listed in ORS 342.143, the education  
18 provider that was the employer of the former employee when the crime was committed shall disclose  
19 the disciplinary records of the former employee to any person upon request.

20 (9) Prior to disclosure of a disciplinary record under subsection (8) of this section, an education  
21 provider shall remove any personally identifiable information from the record that would disclose  
22 the identity of a child, a crime victim or a school employee or former school employee who is not  
23 the subject of the disciplinary record.

24 **SECTION 21.** ORS 341.535 is amended to read:

25 341.535. (1) Community college faculty are not required to have teaching licenses.

26 (2) Notwithstanding ORS 342.173, community college faculty who provide instruction in cooper-  
27 ation with a school district for academic, career and technical education, school-to-work or other  
28 work-related programs under ORS chapter 329 are not required to have teaching licenses. If the  
29 faculty member is not a regular full-time employee of the community college, the school district shall  
30 follow the instructor appraisal committee procedures adopted by the [*Teacher Standards and Prac-*  
31 *tices Commission*] **State Board of Education**.

32 (3) Until a community college becomes accredited by the Northwest Commission on Colleges and  
33 Universities or its successor, the board **of education of the community college district** shall ob-  
34 tain the approval of the accredited community college with which it contracts for curriculum and  
35 instructional services before employing any person to teach transfer courses.

36 **SECTION 22.** ORS 342.120 is amended to read:

37 342.120. As used in this chapter, unless the context requires otherwise:

38 (1) "Administrator" includes but is not limited to all superintendents, assistant superintendents  
39 and principals in the public schools or education service districts.

40 (2) "Approved teacher education institution" is one which meets the standards [*of the Teacher*  
41 *Standards and Practices Commission*] **established by the State Board of Education** for preparation  
42 of teachers for preprimary programs and grades 1 through 12.

43 (3) "Approved teacher education program" is one offered by an approved teacher education in-  
44 stitution and is so recognized by the [*Teacher Standards and Practices Commission, after considering*  
45 *recommendations of the State Board of Education*] **Department of Education**.

1 [(4) "*Commission*" means the *Teacher Standards and Practices Commission*.]

2 [(5) (4) "Educational assistant" means a classified school employee who does not require a li-  
3 cense to teach, who is employed by a school district or education service district and whose as-  
4 signment consists of and is limited to assisting a licensed teacher in accordance with rules  
5 established by the State Board of Education.

6 [(6) (5) "Instruction" includes direction of learning in class, in small groups, in individual situ-  
7 ations, in the library and in guidance and counseling, but does not include the provision of related  
8 services, as defined in ORS 343.035, to a child identified as a child with a disability pursuant to ORS  
9 343.146 to 343.183 when provided in accordance with ORS 343.221.

10 [(7) (6) "Intern teacher" means a regularly enrolled student of an approved teacher education  
11 institution who teaches under the supervision of the staff of the institution and of the employing  
12 school district in order to acquire practical experience in teaching and for which the student re-  
13 ceives both academic credit from the institution and financial compensation from the school district  
14 or education service district.

15 [(8) "*State board*" means the *State Board of Education*.]

16 [(9) (7) "Teacher" includes all licensed employees in the public schools or employed by an ed-  
17 ucation service district who have direct responsibility for instruction, coordination of educational  
18 programs or supervision or evaluation of teachers and who are compensated for their services from  
19 public funds. "Teacher" does not include a school nurse as defined in ORS 342.455.

20 [(10) (8) "Teaching license" means a license issued under ORS 342.125 or 342.144.

21 [(11) (9) "Underrepresented person" means:

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

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

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

26 (d) An American Indian or Alaskan Native having origins in any of the original peoples of North  
27 America.

28 **SECTION 23.** ORS 342.121 is amended to read:

29 342.121. (1) The [*Teacher Standards and Practices Commission*] **Department of Education** shall  
30 issue licenses to teachers and administrators who possess the minimum competencies, knowledge  
31 and skills to teach and administer in the public schools of the state.

32 (2)(a) In addition to a teaching or administrative license, a person may obtain professional cer-  
33 tification, indicating a higher degree of competency, knowledge and skill based on work experience  
34 and advanced study, from a professional organization of teachers or administrators on the national  
35 level. A professional teaching certificate or administrative certificate is not required to teach or  
36 administer in a public school of this state.

37 (b) In addition to holding an administrative license as a superintendent, a person who is a su-  
38 perintendent of an education service district shall obtain certification, indicating a higher degree  
39 of competency, knowledge and skill based on work experience and advanced study, from the [*com-  
40 mission*] **department**. The certificate shall be designed to ensure that the superintendent has  
41 knowledge of theories related to change, strategic planning and financial planning and is capable  
42 of formulating interorganizational cooperation and developing partnerships. The certificate described  
43 in this paragraph is required for a person to be a superintendent of an education service district  
44 of this state.

45 **SECTION 24.** ORS 342.122 is amended to read:

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

4 (2) The *[Teacher Standards and Practices Commission]* **Department of Education** may accept  
 5 from any source any grant, donation or gift of money or other valuable thing made to the *[commis-*  
 6 *sion]* **department** for purposes of the National Board Certification Fund.

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

11 (4) Moneys in the National Board Certification Fund shall be used to encourage public school  
 12 teachers and administrators in this state to apply for and attain certification through the National  
 13 Board for Professional Teaching Standards or any other national professional organization for  
 14 teaching standards designated by the *[Teacher Standards and Practices Commission]* **State Board**  
 15 **of Education**.

16 (5) The *[Teacher Standards and Practices Commission]* **Department of Education** may disburse  
 17 moneys from the National Board Certification Fund to applicants for assistance with the direct costs  
 18 of seeking and obtaining national board certification. The *[commission]* **department** shall manage  
 19 the fund in a manner that provides support, but does not pay for all the costs of any one application.  
 20 Additionally, the *[commission]* **department** shall manage the fund to provide continuous support to  
 21 as many applicants as possible.

22 (6) The *[Teacher Standards and Practices Commission]* **State Board of Education** shall adopt  
 23 rules that govern the disbursement of moneys from the National Board Certification Fund consistent  
 24 with this section.

25 **SECTION 25.** ORS 342.123 is amended to read:

26 342.123. (1) In addition to and not in lieu of any other law or rule or standard established by  
 27 the *[Teacher Standards and Practices Commission]* **State Board of Education**, the *[commission]*  
 28 **Department of Education** shall require an applicant for a first-time license or registration issued  
 29 by the *[commission]* **department** to demonstrate knowledge of:

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

32 (b) Ethical standards of professional conduct for licensees and registrants, as *[determined by the*  
 33 *commission]* **identified by the State Board of Education**.

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

36 **SECTION 26.** ORS 342.125 is amended to read:

37 342.125. (1) Teaching licenses shall be issued and renewed by the *[Teacher Standards and Prac-*  
 38 *tices Commission]* **Department of Education** by the authority of the State of Oregon, subject to  
 39 ORS 342.120 to 342.430 and the rules of the *[commission]* **State Board of Education**.

40 (2) Subject to subsection (4) of this section, teaching licenses shall be of the following types:

41 (a) Basic teaching license.

42 (b) Standard teaching license.

43 (c) Administrative license.

44 (d) Restricted teaching license.

45 (3) Subject to ORS 342.130 and to subsection (4) of this section and in addition to the teaching

1 licenses described in subsection (2) of this section, licenses shall be of the following types:

- 2 (a) Initial teaching license.
- 3 (b) Professional teaching license.
- 4 (c) Teacher leader license.
- 5 (d) Initial personnel service license.
- 6 (e) Continuing personnel service license.
- 7 (f) Initial administrative license.
- 8 (g) Continuing administrative license.

9 (4) The [*Teacher Standards and Practices Commission*] **State Board of Education** may establish  
10 other types of teaching licenses as it considers necessary for operation of the public schools of the  
11 state and may prescribe the qualifications for the licenses. However, no license established under  
12 the authority of this subsection is required for a regular classroom teaching position in the public  
13 schools.

14 (5)(a) The [*Teacher Standards and Practices Commission*] **Department of Education** shall es-  
15 tablish a public charter school teacher and administrator registry. The [*commission*] **department**  
16 shall require the applicant and the public charter school to jointly submit an application requesting  
17 registration as a public charter school teacher or administrator. The application shall include:

- 18 (A) A description of the specific teaching or administrator position the applicant will fill;
- 19 (B) A description of the background of the applicant that is relevant to the teaching or admin-  
20 istrator position, including any post-secondary education or other experience; and

21 (C) Documentation as required by the [*commission*] **department** for the purposes of conducting  
22 a criminal records check as provided in ORS 181.534 and a background check through an interstate  
23 clearinghouse of revoked and suspended licenses.

24 (b) Subject to the results of the criminal records check and background check and to informa-  
25 tion received under ORS 342.143 (2), the [*commission*] **department** shall approve the application for  
26 registration. The [*commission*] **department** may deny a request for registration only on the basis  
27 of the criminal records check, the background check through an interstate clearinghouse of revoked  
28 and suspended licenses or the information received under ORS 342.143 (2). The registration is valid  
29 for three years and may be renewed upon joint application from the teacher or administrator and  
30 the public charter school.

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

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

37 (6)(a) The [*Teacher Standards and Practices Commission*] **State Board of Education** shall adopt  
38 an expedited process for the issuance of any license established pursuant to this section. The pro-  
39 cess may require a school district superintendent or school district board and the applicant to  
40 jointly submit an application requesting an emergency license.

41 (b) Within two working days after receiving a completed application, the [*commission*] **Depart-**  
42 **ment of Education** shall issue the emergency license.

43 (c) [*However, the commission*] **Notwithstanding paragraph (b) of this subsection, the de-**  
44 **partment** may limit the number of applications for expedited service from a school district or edu-  
45 cation service district to not more than 100 applications in a period of two working days.

1 (d) For purposes of this subsection, the [commission] **department** may not distinguish between  
 2 a school district or education service district involved in a labor dispute and any other school dis-  
 3 trict or education service district.

4 **SECTION 27.** ORS 342.127 is amended to read:

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

7 (a) A fee not to exceed \$100 for evaluation of the initial application for each teaching license  
 8 for which application is made. If the applicant is eligible for the teaching license for which appli-  
 9 cation is made and the license is issued within 90 days of original application, the [commission]  
 10 **department** shall issue the license without additional charge.

11 (b) A fee not to exceed \$100 for the renewal of each teaching license and a fee not to exceed  
 12 \$20 for each duplicate teaching license.

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

15 (d) A fee not to exceed \$200 for alternative assessment conducted in lieu of a passing score on  
 16 a licensure examination established by the [commission] **department**.

17 (e) A fee not to exceed \$75 for registration as a public charter school teacher or administrator  
 18 that includes any fee charged pursuant to rules adopted under ORS 181.534.

19 (f) A fee not to exceed \$75 for renewal of a registration as a public charter school teacher or  
 20 administrator that includes any fee charged pursuant to rules adopted under ORS 181.534.

21 (2) In addition to the fee required by subsection (1) of this section for the issuance of a teaching  
 22 license, the [Teacher Standards and Practices Commission] **department** shall collect a fee not to  
 23 exceed \$150 for the evaluation of an applicant requesting licensing based upon completion of other  
 24 than an Oregon approved teacher education program.

25 (3) In addition to the fees required by subsection (1) of this section, the [Teacher Standards and  
 26 Practices Commission] **department** shall collect a late application fee not to exceed \$25 per month  
 27 up to a maximum of \$125 from an applicant who fails to make timely application for renewal of the  
 28 license or registration. The actual amount of the fee shall be determined in accordance with rules  
 29 of the [Teacher Standards and Practices Commission] **State Board of Education**.

30 (4) In spite of the expiration date posted on the license, the license shall continue to be valid  
 31 for purposes of ORS 342.173 for an additional 120 days. However, the district may require a state-  
 32 ment from the applicant indicating that the applicant has completed the requirements for license  
 33 renewal.

34 (5) In addition to the fee required by subsection (1) of this section for the issuance of a teaching  
 35 license, the [commission] **department** shall collect a fee not to exceed \$150 for the reinstatement  
 36 of a license that has been revoked by the [commission] **department** for gross neglect of duty or  
 37 gross unfitness under ORS 342.175.

38 (6) In addition to the fee required by subsection (1) of this section for the issuance of a teaching  
 39 license, the [commission] **department** shall collect a fee not to exceed \$100 for the issuance of any  
 40 emergency license through an expedited process at the request of any school district or education  
 41 service district that seeks to employ the applicant.

42 (7) Fee rates established under this section shall cover, but not exceed, the full cost of admin-  
 43 istrative expenses incurred by the [commission] **department** during any biennium.

44 **SECTION 28.** ORS 342.130 is amended to read:

45 342.130. (1) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life of any certificate

1 or diploma in effect on June 30, 1965, nor to invalidate the rights granted prior to June 30, 1965,  
 2 by the law and the rules of the State Board of Education under which the certificate or diploma  
 3 was issued.

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

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

11 **(4) Nothing in sections 1 to 7 of this 2015 Act is intended to invalidate the life of any li-**  
 12 **cence, certificate or registration in effect prior to January 1, 2016, or to invalidate the rights**  
 13 **granted prior to January 1, 2016, by the law and by the rules of the Teacher Standards and**  
 14 **Practices Commission under which the license, certificate or registration was issued.**

15 **SECTION 29.** ORS 342.135 is amended to read:

16 342.135. (1) A teaching license provided for in this section shall qualify its holder to accept any  
 17 instructional assignment from preprimary through grade 12 for which the holder has completed the  
 18 professional requirements established by the rules of the [*Teacher Standards and Practices Commis-*  
 19 *sion*] **State Board of Education.**

20 (2)(a) A basic teaching license shall be issued on application to an otherwise qualified person  
 21 who has completed an approved teacher education program and meets the other requirements that  
 22 the [*Teacher Standards and Practices Commission*] **board** may consider necessary to maintain and  
 23 improve quality of instruction in the public schools of the state.

24 (b) Holders of the basic teaching license who meet the requirements of the [*Teacher Standards*  
 25 *and Practices Commission*] **board** to teach in the regular classroom program of the public schools  
 26 in kindergarten through grade nine may renew the basic license to qualify them to continue in such  
 27 teaching by verification of successful teaching experience and of continuing professional develop-  
 28 ment in keeping with [*Teacher Standards and Practices Commission*] **board** rules.

29 (c) A holder of the basic teaching license with an endorsement in art, educational media, foreign  
 30 language, health, home economics, industrial arts, music, physical education and reading may renew  
 31 the initial basic license by verification of successful teaching experience and of continuing profes-  
 32 sional development in keeping with [*Teacher Standards and Practices Commission*] **board** rules. This  
 33 paragraph applies to licenses for preprimary programs and grades 1 through 8 and shall include  
 34 grade 9 if the teacher is teaching in a middle school or a junior high.

35 (d) Secondary teachers may teach in the public schools, grades 5 through 12, in those subject  
 36 fields in which they have met the requirements of the [*Teacher Standards and Practices*  
 37 *Commission*] **board.**

38 (e) A holder of a standard teaching license who meets the requirements of the [*Teacher Stan-*  
 39 *dards and Practices Commission*] **board** to teach in the regular classroom program of the public  
 40 schools in kindergarten through grade 12 is eligible to renew the standard license to qualify to  
 41 continue in such teaching by verification of successful teaching experience and of continuing pro-  
 42 fessional development consistent with rules of the [*Teacher Standards and Practices Commission*]  
 43 **board.**

44 (3)(a) A standard teaching license shall be issued on application to an otherwise qualified person  
 45 who has completed an approved teacher education program, has taught on a basic teaching license

1 for a minimum period of time to be determined by the [*Teacher Standards and Practices*  
 2 *Commission*] **board**, and is recommended for licensing by the approved teacher education institution  
 3 or the school district, whichever offered the program.

4 (b) Preparation shall be a planned education program consisting of courses taken in an approved  
 5 teacher education institution or in an in-service training program offered by a school district for  
 6 which credit is given by an approved teacher education institution or some combination of both, in  
 7 accordance with rules of the [*Teacher Standards and Practices Commission*] **board**.

8 (4) Notwithstanding subsection (2) of this section, the [*Teacher Standards and Practices Com-*  
 9 *mission*] **board** shall by rule adopt dates by which continuing professional development is required  
 10 for renewal of a basic or standard teaching license.

11 **SECTION 30.** ORS 342.136 is amended to read:

12 342.136. (1) An initial teaching, personnel service or administrative license shall qualify its  
 13 holder to accept any assignment from preprimary through grade 12 for which the holder has com-  
 14 pleted the requirements established by the rules of the [*Teacher Standards and Practices*  
 15 *Commission*] **State Board of Education**.

16 (2) An initial license shall be issued on application to an otherwise qualified person who has  
 17 completed an approved professional education program and meets such other requirements as the  
 18 [*commission*] **board** may consider necessary to maintain and improve the quality of instruction in the  
 19 public schools of the state.

20 (3) An initial license may be renewed if the applicant meets the requirements established by the  
 21 [*commission*] **board** by rule and may be renewed every three years up to three times.

22 (4) The [*commission*] **board** shall develop a process that allows a teacher holding an initial  
 23 teaching license to renew the initial teaching license after the time limit imposed by subsection (3)  
 24 of this section if the teacher does not qualify for a professional teaching license due to lack of em-  
 25 ployment.

26 **SECTION 31.** ORS 342.137 is amended to read:

27 342.137. (1) A teacher leader license shall designate that its holder is qualified to provide lead-  
 28 ership that may include mentoring, curriculum development support, teacher preparation support  
 29 and other educational leadership.

30 (2) A teacher leader license shall be issued on application to an otherwise qualified person who:

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

32 (b) Has been deemed to be effective to highly effective in teaching, as shown by evaluations  
 33 conducted in compliance with ORS 342.856 or as shown by other evidence identified by the [*Teacher*  
 34 *Standards and Practices Commission*] **State Board of Education** by rule.

35 (3) A teacher leader license may be renewed if the applicant meets the requirements established  
 36 by the [*Teacher Standards and Practices Commission*] **board** by rule.

37 (4) The [*Teacher Standards and Practices Commission*] **board** shall develop a process by which  
 38 a teacher holding a teacher leader license is automatically issued a professional teaching license  
 39 upon nonrenewal of a teacher leader license if the teacher meets the requirements for a professional  
 40 teaching license.

41 **SECTION 32.** ORS 342.138 is amended to read:

42 342.138. (1) A professional teaching license, a continuing personnel service license or a contin-  
 43 uing administrative license shall qualify the holder to accept any assignments for preprimary  
 44 through grade 12 for which the holder has completed the advanced requirements established by the  
 45 rules of the [*Teacher Standards and Practices Commission*] **State Board of Education**.

1 (2) A professional teaching license, a continuing personnel service license or a continuing ad-  
 2 ministrative license shall be issued on application for five years to an otherwise qualified person  
 3 who has:

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

6 (b) Been employed for a minimum period of time to be determined by the [commission] **board** in:

7 (A) An Oregon public school;

8 (B) An Oregon private school that meets the standards adopted by the [commission] **board** by  
 9 rule; or

10 (C) Another educational setting approved by the [commission] **department;** and

11 (c) Demonstrated minimum competencies, knowledge and skills required for the professional  
 12 teaching license, continuing personnel service license or continuing administrative license through  
 13 an approved teacher education institution, school district, professional organization identified in  
 14 ORS 342.121, or professional assessment approved by the [commission] **department.**

15 (3) The holder of a professional teaching license, continuing personnel service license or con-  
 16 tinuing administrative license may renew the license in accordance with the rules of the  
 17 [commission] **board.**

18 (4) A professional teaching license shall indicate that the holder has taught for more than three  
 19 and one-half years and is ready to take on advanced roles and responsibilities as a teacher, including  
 20 mentoring, curriculum development support, teacher preparation support and other educational  
 21 leadership.

22 **SECTION 33.** ORS 342.140 is amended to read:

23 342.140. (1) An administrative license shall qualify its holder to serve in any administrative as-  
 24 signment for which the holder has completed the professional requirements established by the rules  
 25 of the [Teacher Standards and Practices Commission] **State Board of Education.**

26 (2) An administrative license shall be issued and renewed on application to an otherwise quali-  
 27 fied person who meets such requirements as to professional preparation and experience as the  
 28 [Teacher Standards and Practices Commission] **State Board of Education** may establish.

29 **SECTION 34.** ORS 342.143 is amended to read:

30 342.143. (1) [No] **A** teaching, personnel service or administrative license may **not** be issued to  
 31 any person until the person has attained the age of 18 years and has furnished satisfactory evidence  
 32 of proper educational training.

33 (2) The [Teacher Standards and Practices Commission] **State Board of Education** may require  
 34 an applicant for a teaching, personnel service or administrative license or for registration as a  
 35 public charter school teacher or administrator to furnish evidence satisfactory to the [commission]  
 36 **Department of Education** of good moral character, mental and physical health, and such other  
 37 evidence as [it] **the board** may deem necessary to establish the applicant's fitness to serve as a  
 38 teacher or administrator.

39 (3) Without limiting the powers of the [Teacher Standards and Practices Commission] **board or**  
 40 **department** under subsection (2) of this section:

41 (a) [No] **A** teaching, personnel service or administrative license or registration as a public  
 42 charter school teacher or administrator may **not** be issued to any person who:

43 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,  
 44 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433,  
 45 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),

1 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087,  
 2 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808, 475.810, 475.812,  
 3 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.858, 475.860, 475.862, 475.868,  
 4 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

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

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

9 (D) Has had a teaching, personnel service or administrative license or registration revoked in  
 10 another jurisdiction for a reason that is substantially equivalent, as defined by rule, to a reason  
 11 described in ORS 342.175 and the revocation is not subject to further appeal. A person whose priv-  
 12 ilege to apply for a license or registration is denied under this subparagraph may apply for rein-  
 13 statement of the privilege as provided in ORS 342.175 (4).

14 (b) The [*Teacher Standards and Practices Commission*] **department** may refuse to issue a license  
 15 or registration to any person who has been convicted of a crime involving the illegal use, sale or  
 16 possession of controlled substances.

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

19 (5) The department [*of Education*] shall provide school districts and public charter schools a  
 20 copy of the list contained in subsection (3) of this section.

21 **SECTION 35.** ORS 342.144 is amended to read:

22 342.144. (1) As used in this section, “American Indian tribe” means an Indian tribe as that term  
 23 is defined in ORS 97.740.

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

26 (3) The [*Teacher Standards and Practices Commission*] **State Board of Education** shall establish  
 27 an American Indian languages teaching license.

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

- 32 (a) Which dialects will be used on the test;
- 33 (b) Whether the tribe will standardize the tribe’s writing system; and
- 34 (c) How the teaching methods will be evaluated in the classroom.

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

37 (6) The [*commission*] **State Board of Education** may not require an applicant to hold a specific  
 38 academic degree, to complete a specific amount of education or to complete a teacher education  
 39 program to receive an American Indian languages teaching license.

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

43 (b) A holder of an American Indian languages teaching license who does not also have a  
 44 teaching license issued under ORS 342.125 may not teach in a school district or education service  
 45 district any subject other than the American Indian language the holder of the license is approved

1 to teach by the tribe.

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

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

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

18 (9) An American Indian languages teaching license shall be valid for three years and may be  
19 renewed upon application from the holder of the license.

20 **SECTION 36.** ORS 342.147 is amended to read:

21 342.147. (1) *[After considering recommendations of the State Board of Education, the Teacher*  
22 *Standards and Practices Commission]* **The State Board of Education** shall establish by rule stan-  
23 dards for approval of teacher education institutions and teacher education programs. Public teacher  
24 education institutions shall be approved for programs of more than four years’ duration only if  
25 teacher education programs which are reasonably attainable in a four-year period are also available  
26 in the system of higher education and are designed to culminate in a baccalaureate degree that  
27 qualifies its graduates for entry-level teaching licenses.

28 (2) The [commission] **State Board of Education** shall establish rules that allow teacher educa-  
29 tion programs leading to graduate degrees to commence prior to the student’s completion of  
30 baccalaureate degree requirements and that allow the combined use of undergraduate and graduate  
31 level course work in achieving program completion.

32 (3) Whenever any teacher education institution or program is denied approved status or has  
33 such status withdrawn, such denial or withdrawal must be treated as a contested case within the  
34 meaning of ORS chapter 183.

35 (4) Nothing in this section is intended to grant any authority to the [commission] **State Board**  
36 **of Education** relating to granting degrees or establishing degree requirements that are within the  
37 authority of the State Board of Higher Education or any of the public universities listed in ORS  
38 352.002, or that are within the authority of the governing board of any private institution of higher  
39 education.

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

41 342.153. (1) Any applicant for a teaching license to provide education to students who are blind,  
42 as defined in ORS 343.565, shall be required to demonstrate proficiency in reading and writing  
43 Braille, as defined in ORS 343.565.

44 (2) Any applicant for a teaching license to provide education to students who are blind shall be  
45 required to demonstrate proficiency by completion of grade I and grade II Braille coursework at a

1 college level.

2 (3) The [*Teacher Standards and Practices Commission*] **State Board of Education** shall adopt  
3 procedures to assess the proficiencies developed through workshops and courses in grade I and  
4 grade II Braille that are consistent with standards set by the National Library Service for the Blind  
5 and Physically Handicapped at the Library of Congress.

6 **SECTION 38.** ORS 342.156 is amended to read:

7 342.156. A person teaching a distance learning course originating in Oregon must:

8 (1) Have a teaching license issued by the [*Teacher Standards and Practices Commission*] **De-**  
9 **partment of Education** with the appropriate subject matter endorsement; or

10 (2) Be employed by a post-secondary institution accredited by the Northwest Commission on  
11 Colleges and Universities or its successor, and have the appropriate subject matter preparation.

12 **SECTION 39.** ORS 342.165 is amended to read:

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

19 (2) In establishing rules, the [*commission*] **board** shall consider:

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

21 (b) The capabilities of Oregon teacher education institutions to prepare teachers;

22 (c) The norms required for the teaching assignments;

23 (d) The improvement of teaching;

24 (e) The adequacy of the teacher supply;

25 (f) The value of experience or nonacademic learning;

26 (g) The responsibilities imposed upon school districts by geographic and demographic conditions;

27 (h) The recommendations of the [*State Board of Education and*] Superintendent of Public In-  
28 struction **and the Teacher Standards and Practices Division**; and

29 (i) Other matters that tend to improve education.

30 **SECTION 40.** ORS 342.173 is amended to read:

31 342.173. (1) Any school district that employs any person not properly licensed by the [*Teacher*]  
32 [*Standards and Practices Commission*] **Department of Education** and assigned in accordance with  
33 the terms specified by the person's license shall forfeit in State School Fund moneys due the district  
34 an amount determined by the [*Teacher Standards and Practices Commission not to*] **department,**  
35 **which may not** exceed the amount of the salary paid to the person for the time during which the  
36 person is employed. The forfeiture is effective unless:

37 (a) The assignments are made with justification satisfactory to the [*Teacher Standards and*]  
38 [*Practices Commission*] **department.**

39 (b) The teacher is employed by a post-secondary institution that is accredited by the Northwest  
40 Commission on Colleges and Universities or its successor, and that has a contract with a school  
41 district under which the teacher is teaching at the high school level. The contract shall be approved  
42 annually by the State Board of Education under rules adopted by the board, including criteria for  
43 a teacher's qualifications under subparagraph (C) of this paragraph. The contract shall:

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

1 search;

2 (B) Be approved annually by the governing boards of the post-secondary institution and the  
3 school district including a written determination that appropriately licensed personnel have not be-  
4 come available since the previous contract for the assignment;

5 (C) Provide evidence that the teacher's qualifications are appropriate for the assignment;

6 (D) Allow the teacher to teach no more than two high school units of credit or the equivalent  
7 per year; and

8 (E) Not be valid during a school closure, strike or summer session.

9 (c) The person is teaching a live, interactive distance learning course originating outside the  
10 state.

11 (2) A school district shall be required under subsection (1) of this section to forfeit not more  
12 than \$1,000 of State School Fund moneys due the district if the license has lapsed during the time  
13 of employment with the district and the holder had at the time the license expired all the quali-  
14 fications necessary to renew the license.

15 (3) Notwithstanding subsections (1) and (2) of this section, a school district employing unlicensed  
16 staff members in positions requiring licensed personnel during the time of a labor dispute shall for-  
17 feit in State School Fund moneys an amount equal to the daily salary rate multiplied by the number  
18 of teaching days for each unlicensed teaching employee during the entire labor dispute.

19 (4) If the State Board of Education finds a contract to be in violation of the provisions of sub-  
20 section (1)(b) of this section, the board shall report the violation to the [*Teacher Standards and*  
21 *Practices Commission, which shall proceed as provided in subsection (1) of this section*] **Department**  
22 **of Education**.

23 (5) Any education service district that employs any person not properly licensed by the [*Teacher*  
24 *Standards and Practices Commission*] **Department of Education** and assigned in accordance with  
25 the terms specified in the person's license shall pay from its funds an amount determined by the  
26 [*Teacher Standards and Practices Commission*] **department** not to exceed the amount of salary paid  
27 to the person for the time during which the person was employed. The payment shall be required  
28 unless the assignment is made with justification satisfactory to the [*commission*] **department**. All  
29 amounts received under this subsection shall be credited to the State School Fund.

30 (6) An education service district shall be required under subsection (5) of this section to pay a  
31 penalty of not more than \$1,000 if the license has lapsed during the time of employment with the  
32 district and the holder had at the time the license expired all the qualifications necessary to renew  
33 the license.

34 (7) Subject to any applicable collective bargaining agreement, an education service district re-  
35 quired to pay any penalty under subsection (6) of this section is entitled to recover one-half of the  
36 amounts paid from the licensed personnel whose unlicensed status caused the payment. Recovery  
37 may not exceed one-half of the amount paid that is attributable to the licensed person.

38 (8) The [*Teacher Standards and Practices Commission*] **Department of Education** shall notify  
39 districts of the licensing expiration dates of their employees who are reported to the [*commission*]  
40 **department**. The reporting shall be done in a manner specified by the [*commission*] **State Board**  
41 **of Education**.

42 (9) Subject to any applicable collective bargaining agreement, a district required to forfeit any  
43 State School Fund moneys under subsection (2) of this section is entitled to recover one-half of the  
44 amounts forfeited from the licensed personnel whose unlicensed status caused the forfeiture. Re-  
45 covery may not exceed one-half of the amount forfeited that is attributable to the particular licensed

1 person.

2 (10) A school district or education service district that assigns a teacher to be present in the  
 3 classroom during a live, interactive distance learning presentation may not be subject to the forfei-  
 4 ture described in subsection (1) of this section solely because the assignment does not conform to  
 5 the terms specified on the license of the teacher.

6 **SECTION 41.** ORS 342.175 is amended to read:

7 342.175. (1) The [*Teacher Standards and Practices Commission*] **Department of Education** may  
 8 suspend or revoke the license or registration of a teacher or administrator, discipline a teacher or  
 9 administrator or suspend or revoke the right of any person to apply for a license or registration if  
 10 the licensee, registrant or applicant has held a license or registration at any time within five years  
 11 prior to issuance of the notice of charges under ORS 342.176 based on the following:

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

13 (b) Gross neglect of duty;

14 (c) Any gross unfitness;

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

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

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

21 (2) If a person is enrolled in an approved teacher education institution or program under ORS  
 22 342.147, the [*commission*] **department** may issue a public reprimand or suspend or revoke the right  
 23 to apply for a license 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*]  
 25 **State Board of Education** by rule;

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

28 (c) Any conduct that may cause the [*commission*] **department** to suspend or revoke the license  
 29 or registration of a teacher.

30 (3) The [*commission*] **department** shall revoke any license or registration and shall revoke the  
 31 right of any person to apply for a license or registration if the person has held a license or regis-  
 32 tration at any time and the holder or applicant has been convicted of any crime described in ORS  
 33 342.143 (3).

34 (4) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (5) of  
 35 this section, any person whose license or registration has been suspended or revoked or whose  
 36 privilege to apply for a license or registration has been revoked may apply to the [*commission*] **de-**  
 37 **partment** for reinstatement of the license or registration after one year from the date of the sus-  
 38 pension or revocation. The [*commission*] **department** may require an applicant for reinstatement to  
 39 furnish evidence satisfactory to the [*commission*] **department** of good moral character, mental and  
 40 physical health and such other evidence as the [*commission*] **department** may consider necessary  
 41 to establish the applicant's fitness. The [*commission*] **department** may impose a probationary period  
 42 and such conditions as it considers necessary upon approving an application for reinstatement.

43 (5) The [*commission*] **department** shall reconsider immediately a license or registration suspen-  
 44 sion or revocation or the situation of a person whose privilege to apply for a license or registration  
 45 has been revoked, upon application therefor, when the license or registration suspension or revoca-

tion or the privilege revocation is based on a criminal conviction that is reversed on appeal.

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

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

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

342.176. (1) The Teacher Standards and Practices [Commission] **Division** shall promptly undertake an investigation upon receipt of a complaint or information that may constitute grounds for:

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

(b) Suspension or revocation of a license or registration, discipline of a person holding a license or registration, or suspension or revocation of the right to apply for a license or registration, as provided under ORS 342.175; or

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

(2) The [commission] **division** may appoint an investigator and shall furnish the investigator with appropriate professional and other special assistance reasonably required to conduct the investigation, and the investigator is empowered to subpoena witnesses over the signature of the executive director **of the Teacher Standards and Practices Division**, swear witnesses and compel obedience in the same manner as provided under ORS 183.440 (2).

(3) Following completion of the investigation, the [executive director] **division** shall report in writing any findings and recommendations to:

*[(a) The commission, meeting in executive session, at its next regular meeting following completion of the investigation; and]*

**(a) The Department of Education; and**

(b) The person against whom the charge is made.

(4)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used in the investigation and the report of the [executive director] **division** are confidential and not subject to public inspection unless the [commission] **department** makes a final determination to:

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

(B) Suspend or revoke a license or registration, discipline a person holding a license or registration, or suspend or revoke the right to apply for a license or registration, as provided under ORS 342.175; or

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

(b) Records made available to the [commission] **division** under ORS 419B.035 (1)(h) shall be kept confidential.

(5) If the [commission] **division** finds [from] **in** the report that there is sufficient cause to justify holding a hearing under ORS 342.177, [it] **the division** shall notify in writing:

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

(b) The complainant; [and]

**(c) The Department of Education; and**

*[(c)]* **(d)** The employing district or public charter school, if any.

(6) If the [commission] **division** finds [from] **in** the report that there is not sufficient cause to

1 justify holding a hearing under ORS 342.177, [it] **the division** shall notify in writing:

2 (a) The person charged;

3 (b) The complainant; [and]

4 (c) **The Department of Education; and**

5 [(c)] (d) The employing district or public charter school, if any.

6 (7) Notwithstanding ORS 192.660 (6), the [commission] **division and department** may make [its]  
7 findings under this section in executive session. However, the provisions of ORS 192.660 (4) apply  
8 to the sessions.

9 **SECTION 43.** ORS 342.177 is amended to read:

10 342.177. (1)(a) Hearings under ORS 342.176 shall be conducted by an administrative law judge  
11 assigned from the Office of Administrative Hearings established under ORS 183.605.

12 (b) Any hearing conducted under this subsection shall be private unless the person against  
13 whom the charge is made requests a public hearing. Students attending school in the employing  
14 district may not attend any hearing except as witnesses duly subpoenaed to testify with respect to  
15 the charges made. Students attending a public charter school that employs the person may not at-  
16 tend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made.  
17 The person against whom the charge is made shall have the right to be represented by counsel and  
18 to present evidence and argument. The evidence must be confined to the charges.

19 (2) The [Teacher Standards and Practices Commission] **executive director of the Teacher**  
20 **Standards and Practices Division** or the person charged may have subpoenas issued to compel  
21 attendance at the hearing. The person charged may have subpoenas issued by an attorney of record  
22 subscribed by the signature of the attorney or by the executive director. Witnesses appearing pur-  
23 suant to subpoena, other than the parties or officers or employees of the [commission] **Department**  
24 **of Education**, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2).  
25 The [commission] **executive director** or the person charged shall have the right to compel the at-  
26 tendance and obedience of witnesses in the same manner as provided under ORS 183.440 (2).

27 (3) The [commission] **Teacher Standards and Practices Division** shall render [its decision at  
28 its next regular meeting following] **a decision within 60 days after** the hearing. If the decision of  
29 the [commission] **division** is that the charge described in ORS 342.175 (1) has been proven, the  
30 [commission may] **division may recommend that the department** take any or all of the following  
31 disciplinary [action] **actions** against the person charged:

32 (a) Issue a public reprimand.

33 (b) Place the person on probation for a period not to exceed four years and subject to such  
34 conditions as the [commission] **division** considers necessary.

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

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

38 (e) Revoke the privilege to apply for a license or registration.

39 (4) If the decision of the [commission] **division** is that the charge is not proven, the  
40 [commission] **division** shall order the charges dismissed.

41 (5) The [commission] **division** shall notify in writing the person charged, **the department and**  
42 the employing school district or public charter school [and the Superintendent of Public Instruction  
43 of the decision].

44 **SECTION 44.** ORS 342.180 is amended to read:

45 342.180. (1) Any person whose license or registration has been suspended or revoked or who has

1 been disciplined, or who has been refused issuance or reinstatement of a license or registration, and  
 2 is aggrieved at the decision of the [*Teacher Standards and Practices Commission*] **Department of**  
 3 **Education**, may appeal in the manner provided in ORS 183.480.

4 (2) If [*the Superintendent of Public Instruction,*] the district school board or the public charter  
 5 school employing the teacher or administrator is aggrieved at the decision of [*the commission, the*  
 6 *superintendent*] **the department**, the **school** board or the school may appeal [*from*] the decision in  
 7 the manner provided in ORS 183.480.

8 (3) Unless the decision of the [*commission*] **department** is accompanied by a finding that imme-  
 9 diate suspension or revocation of the teaching license or registration is necessary to protect the  
 10 safety and well-being of students, an appeal made under this section in a proceeding to suspend or  
 11 revoke shall operate as a stay of the suspension or revocation, if any, until the determination of the  
 12 appeal.

13 **SECTION 45.** ORS 342.183 is amended to read:

14 342.183. (1) The [*Teacher Standards and Practices Commission*] **Department of Education** may  
 15 issue a letter of informal reproof to a person licensed, registered or certified by the [*commission*]  
 16 **department** if:

17 (a) Following the completion of an investigation, the [*commission*] **Teacher Standards and**  
 18 **Practices Division** determines that the person has engaged in conduct that affects the person's  
 19 ability to be professionally effective, based on standards adopted by the [*commission*] **State Board**  
 20 **of Education** by rule; and

21 (b) Subject to subsection (5) of this section, the [*commission*] **department** agrees not to pursue  
 22 disciplinary action against the person under ORS 342.175 and the person agrees to the terms of the  
 23 letter of informal reproof, including a monitoring period.

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

26 (3) Upon the issuance of a letter of informal reproof, the [*commission*] **department** shall notify  
 27 the employer of the person to whom the letter is issued, including any terms of the letter that the  
 28 employer may need to know to assist the person in complying with the terms of the letter.

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

30 (a) Is confidential; and

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

33 (5) If a person fails to comply with the terms of a letter of informal reproof, the [*commission*]  
 34 **department** may take disciplinary action against the person based on one or both of the following:

35 (a) The conduct underlying the letter of informal reproof; or

36 (b) The failure to comply with the terms of the letter of informal reproof.

37 (6) If the [*executive director of the commission*] **division** determines that a person failed to meet  
 38 the terms of a letter of informal reproof, the [*executive director*] **division** shall report the failure to  
 39 the [*commission*] **department** for the [*commission*] **department** to make a final determination pur-  
 40 suant to ORS 342.176.

41 (7) The documents and materials used in an investigation for the purposes of this section are  
 42 confidential and are not subject to public inspection unless the [*commission*] **department** makes a  
 43 final determination to discipline the person pursuant to ORS 342.175.

44 **SECTION 46.** ORS 342.192 is amended to read:

45 342.192. (1) Except as provided in [*subsection (4) of*] this section, the [*Teacher Standards and*

1 *Practices Commission*] **Department of Education** shall not issue a license to an out-of-state appli-  
 2 cant unless the applicant has met the professional requirements established by rule by the [*com-*  
 3 *mission*] **State Board of Education** and has completed a course of study substantially similar to  
 4 that required for an in-state applicant.

5 (2) [*Notwithstanding subsection (1) of this section,*] If the [*commission establishes*] **department**  
 6 **determines** that the position or positions to be filled are in a geographic or subject matter area in  
 7 which there [*are*] **is** an insufficient number of in-state applicants, the [*commission*] **department** may  
 8 issue a license to an out-of-state applicant who has completed a course of study approved by the  
 9 [*commission*] **department**.

10 (3) [*In*] **For** situations described in subsection (2) of this section, the [*commission*] **State Board**  
 11 **of Education** shall adopt by rule standards providing for equal treatment for graduates of approved  
 12 Oregon colleges and universities.

13 (4) [*Notwithstanding subsection (1) of this section,*] The [*commission*] **department** may enter into  
 14 a reciprocal agreement with the appropriate official of any other state for licensure of applicants  
 15 from the state if the [*commission*] **department** determines that the standards and requirements for  
 16 certification or licensure in that state are substantially similar to the standards and requirements  
 17 for licensure under applicable statutes of this state and rules of the [*commission*] **State Board of**  
 18 **Education**.

19 (5) Teachers granted licenses under [*subsections (2), (3) and (4) of*] this section shall be required  
 20 to meet all standards required of Oregon teachers, including the requirements of ORS 342.123, not  
 21 later than three years following the date of initial granting of the license.

22 **SECTION 47.** ORS 342.195 is amended to read:

23 342.195. (1) An otherwise qualified applicant for an initial or basic teaching license shall be  
 24 granted the license upon payment of the required fees and the showing by proof satisfactory to the  
 25 [*Teacher Standards and Practices Commission*] **Department of Education** that:

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

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

30 (B)(i) Has completed an approved teacher education program; or

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

34 (b) The applicant was a certified instructor for the Armed Forces of the United States, if the  
 35 applicant provides the [*commission*] **department** with documentation of military training or experi-  
 36 ence that the [*commission*] **department** determines is substantially equivalent to the training re-  
 37 quired for an initial or basic teaching license.

38 (2)(a) The [*commission*] **State Board of Education** shall establish by rule an expedited process  
 39 by which a military spouse or domestic partner who is licensed to teach in another state may apply  
 40 for and obtain a teaching license.

41 (b) As used in this subsection, "military spouse or domestic partner" means a spouse or domestic  
 42 partner of an active member of the Armed Forces of the United States who is the subject of a mil-  
 43 itary transfer to Oregon.

44 **SECTION 48.** ORS 342.197 is amended to read:

45 342.197. The requirements of ORS 342.135 (3)(a), 342.136 and 342.138 may be met by teaching

1 experience in:

2 (1) A licensed career school, as defined in ORS 345.010.

3 (2) A private school that meets standards adopted by the [*Teacher Standards and Practices*  
4 *Commission*] **State Board of Education** by rule.

5 **SECTION 49.** ORS 342.200 is amended to read:

6 342.200. (1) In order to allow the school districts of the state to take full advantage of various  
7 professional skills and disciplines not directly developed through teaching experience or professional  
8 education for which teaching experience is a prerequisite, it is the public policy of the State of  
9 Oregon that the [*Teacher Standards and Practices Commission*] **State Board of Education**, in es-  
10 tablishing professional requirements and experience under ORS 342.140, shall **require the Depart-**  
11 **ment of Education to** consider professional skills, education and experience not directly related  
12 to, nor contingent upon, teaching experience or training as a classroom teacher.

13 (2) The [*commission*] **board** shall establish and prescribe the requirements for an optional ad-  
14 vanced leadership endorsement for licensed public school administrators who engage in mentoring,  
15 professional support for new teachers or administrators, outstanding instructional leadership and  
16 demonstrated school improvement.

17 **SECTION 50.** ORS 342.202 is amended to read:

18 342.202. (1) The Department of Education[, *in partnership with the Teacher Standards and Prac-*  
19 *tices Commission,*] shall create a comprehensive leadership development system for administrators  
20 licensed under ORS 342.125.

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

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

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

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

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

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

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

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

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

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

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

40 **SECTION 51.** ORS 342.203 is amended to read:

41 342.203. (1) Annually not later than March 1, the [*Teacher Standards and Practices*  
42 *Commission*] **Department of Education** shall cause to be circulated among all of the common and  
43 union high school districts and education service districts in this state a list of:

44 (a) All teachers and administrators whose teaching or administrative licenses have been sus-  
45 pended or revoked or who have been reprimanded or placed on probation during the preceding 12

1 months.

2 (b) All students at approved teacher education institutions or programs under ORS 342.147  
3 whose right to apply for a license or registration has been suspended or revoked during the pre-  
4 ceding 12 months.

5 (2) If the decision of the [*commission*] **department** is appealed under ORS 342.180, the name of  
6 the teacher, administrator or student shall not be placed on the list authorized by subsection (1) of  
7 this section unless and until such decision has been sustained by the Court of Appeals or until the  
8 appeal has been dropped.

9 **SECTION 52.** ORS 342.223 is amended to read:

10 342.223. (1) For the purpose of requesting a state or nationwide criminal records check under  
11 ORS 181.534, the [*Teacher Standards and Practices Commission*] **Department of Education** may  
12 require the fingerprints of:

13 (a) A person who is applying for initial issuance of a license under ORS 342.120 to 342.430 as  
14 a teacher, administrator or personnel specialist if the person has not submitted to a criminal records  
15 check by the [*commission*] **department** within the previous year.

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

18 (c) A person who is applying for initial issuance of a certificate under ORS 342.475 as a school  
19 nurse.

20 (d) A person who is registering with the [*commission*] **department** for student teaching,  
21 practicum or internship as a teacher, administrator or personnel specialist, if the person has not  
22 submitted to a criminal records check by the [*commission*] **department** within the previous three  
23 years for student teaching, practicum or internship as a teacher, administrator or personnel spe-  
24 cialist.

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

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

30 (3) A person may appeal the refusal to issue an initial license, certificate or registration under  
31 this section as a contested case under ORS 183.413 to 183.470, but the refusal to renew or reinstate  
32 a license or registration is subject to ORS 342.175 to 342.180, and the [*commission*] **department** shall  
33 notify the person of the right to appeal.

34 **SECTION 53.** ORS 342.227 is amended to read:

35 342.227. The [*Teacher Standards and Practices Commission*] **Department of Education** may is-  
36 sue to an individual a temporary license or certificate as a teacher, administrator, personnel spe-  
37 cialist or school nurse pending the return of the criminal records check by the Federal Bureau of  
38 Investigation.

39 **SECTION 54.** ORS 342.360 is amended to read:

40 342.360. (1) The membership of the Teacher Standards and Practices [*Commission*] **Division** shall  
41 consist of:

42 (a) Four elementary teachers;

43 (b) Four junior or senior high school teachers;

44 (c) One elementary school administrator;

45 (d) One junior or senior high school administrator;

1 (e) One superintendent of city schools;

2 (f) One county superintendent or a superintendent employed by an education service district  
3 board;

4 (g) One member from the faculty of an approved private teacher education institution in Oregon;

5 (h) One member from the faculty of a public university listed in ORS 352.002;

6 (i) One member who is also a member of a district school board; and

7 (j) Two members of the general public.

8 (2) Except for those members appointed under subsection (1)(i) and (j) of this section, members  
9 must have been actively engaged in teaching, supervising or administering in the public schools or  
10 in approved teacher education institutions in Oregon for the period of five years immediately pre-  
11 ceding appointment. Acting as an elected representative of teachers, supervisors or administrators  
12 shall be considered teaching, supervising or administering for the purposes of the five-year experi-  
13 ence requirement. In addition, members appointed under subsection (1)(a) to (f) of this section must  
14 hold valid Oregon teaching or administrative licenses other than restricted teaching or administra-  
15 tive licenses.

16 (3)(a) Throughout the term for which appointed, one of the members appointed under subsection  
17 (1)(a) to (j) of this section must hold a teaching license with an endorsement in some aspect of spe-  
18 cial education or have demonstrated knowledge or experience in special education.

19 (b) As used in this subsection, "special education" means specially designed education to meet  
20 the goals of the individualized education program of a child with a disability including regular  
21 classroom instruction, instruction in physical education, home instruction, related services and in-  
22 struction in hospitals, institutions and special schools.

23 **SECTION 55.** ORS 342.390 is amended to read:

24 342.390. (1) The Teacher Standards and Practices [*Commission*] **Division** shall meet at least once  
25 every six months at a place, day and hour determined by the [*commission*] **division**. The  
26 [*commission*] **division** shall also meet at such other times and places as are specified by the call of  
27 the [*chairperson*] **executive director of the Teacher Standards and Practices Division** or of a  
28 majority of the members of the [*commission*] **division**.

29 (2) A member of the [*commission*] **division** who is employed at a public school or by a private  
30 teacher education institution or by a public university listed in ORS 352.002 shall receive no com-  
31 pensation for services as a member[,], but subject to any other applicable law regulating travel and  
32 other expenses for state officers, the member shall receive actual and necessary travel and other  
33 expenses incurred in the performance of official duties as provided by ORS 292.495 (2).

34 (3) A member of the [*commission*] **division** who serves [*on the commission*] **in the division** in the  
35 capacity of a district school board member or as a member of the general public shall be entitled  
36 to compensation and expenses as provided in ORS 292.495 (1) and (2).

37 **(4) A majority of the division constitutes a quorum for the transaction of business.**

38 **SECTION 56.** ORS 342.410 is amended to read:

39 342.410. The [*Teacher Standards and Practices Commission*] **Superintendent of Public In-**  
40 **struction** shall appoint a qualified person as executive director **of the Teacher Standards and**  
41 **Practices Division** [*and may, subject to the State Personnel Relations Law, employ persons to provide*  
42 *such service as the commission shall require*]. **The superintendent shall specify the power and**  
43 **duties necessary for the executive director to perform the functions of the position.**

44 **SECTION 57.** ORS 342.420 is amended to read:

45 342.420. (1) Membership on the Teacher Standards and Practices [*Commission*] **Division** shall

1 not affect a member's compensation from the employer of the member or any other benefits to which  
2 the member is entitled.

3 (2) A school district required to employ a substitute for a teacher or administrator who is absent  
4 from employment while performing duties as a member of the Teacher Standards and Practices  
5 [Commission] **Division** shall be entitled to reimbursement for the district's actual expenses in em-  
6 ploying the substitute. Reimbursement for the expense of employing such substitutes shall be made  
7 by the [commission] **Department of Education** from the [Teacher Standards and Practices Commis-  
8 sion Account] **Educator Licensure Account**.

9 **SECTION 58.** ORS 342.430 is amended to read:

10 342.430. On or before the 10th day of each month, the [Teacher Standards and Practices Com-  
11 mission] **Department of Education** shall pay into the State Treasury all moneys received under  
12 this chapter during the preceding calendar month. The State Treasurer shall credit the moneys to  
13 the [Teacher Standards and Practices Commission Account] **Educator Licensure Account**. The  
14 moneys in the [Teacher Standards and Practices Commission Account] **Educator Licensure Account**  
15 are continuously appropriated to the [commission] **department** for the purpose of paying its admin-  
16 istrative expenses **under this chapter**.

17 **SECTION 59.** ORS 342.443 is amended to read:

18 342.443. (1) The Oregon Education Investment Board shall report biennially to the Legislative  
19 Assembly longitudinal data on the number and percentage of:

- 20 (a) Minority students enrolled in community colleges;
- 21 (b) Minority students applying for admission to public universities listed in ORS 352.002;
- 22 (c) Minority students accepted in public universities;
- 23 (d) Minority students graduated from public universities;
- 24 (e) Minority candidates seeking to enter public teacher education programs in this state;
- 25 (f) Minority candidates admitted to public teacher education programs;
- 26 (g) Minority candidates who have completed approved public teacher education programs;
- 27 (h) Minority candidates receiving Oregon teaching licenses based on preparation in this state  
28 and preparation in other states;
- 29 (i) Minority teachers who are newly employed in the public schools in this state; and
- 30 (j) Minority teachers already employed in the public schools.

31 (2) The board also shall report comparisons of minorities' and nonminorities' scores on basic  
32 skills, pedagogy and subject matter tests.

33 (3) The Oregon University System, the public universities with governing boards listed in ORS  
34 352.054, the Department of Education, [the Teacher Standards and Practices Commission,] community  
35 colleges and school districts shall cooperate with the board in collecting data and preparing the  
36 report.

37 **SECTION 60.** ORS 342.443, as amended by section 5, chapter 778, Oregon Laws 2013, is  
38 amended to read:

39 342.443. (1) The Education and Workforce Policy Advisor shall report biennially to the Legisla-  
40 tive Assembly longitudinal data on the number and percentage of:

- 41 (a) Minority students enrolled in community colleges;
- 42 (b) Minority students applying for admission to public universities listed in ORS 352.002;
- 43 (c) Minority students accepted in public universities;
- 44 (d) Minority students graduated from public universities;
- 45 (e) Minority candidates seeking to enter public teacher education programs in this state;

1 (f) Minority candidates admitted to public teacher education programs;

2 (g) Minority candidates who have completed approved public teacher education programs;

3 (h) Minority candidates receiving Oregon teaching licenses based on preparation in this state  
4 and preparation in other states;

5 (i) Minority teachers who are newly employed in the public schools in this state; and

6 (j) Minority teachers already employed in the public schools.

7 (2) The advisor also shall report comparisons of minorities' and nonminorities' scores on basic  
8 skills, pedagogy and subject matter tests.

9 (3) The Oregon University System, the public universities with governing boards listed in ORS  
10 352.054, the Department of Education, [*the Teacher Standards and Practices Commission,*] community  
11 colleges and school districts shall cooperate with the advisor in collecting data and preparing the  
12 report.

13 **SECTION 61.** ORS 342.455 is amended to read:

14 342.455. "School nurse" as used in ORS 342.465 and 342.475, means a registered nurse who is  
15 certified by the [*Teacher Standards and Practices Commission*] **Department of Education** as quali-  
16 fied to conduct and coordinate the health services programs of a school.

17 **SECTION 62.** ORS 342.465 is amended to read:

18 342.465. (1) The [*Teacher Standards and Practices Commission*] **State Board of Education** shall  
19 adopt by rule standards necessary for the issuance, denial, continuation, renewal, lapse or rein-  
20 statement of certificates issued under ORS 342.475 (1) to (3) and for establishment and collection of  
21 fees for certification as a school nurse. The [*commission*] **State Board of Education** may adopt by  
22 rule procedures for revocation of a certificate issued under ORS 342.475 (1) to (3) that are consistent  
23 with ORS 342.175 to 342.190.

24 (2) The Oregon State Board of Nursing shall notify the [*commission*] **Department of Education**  
25 whenever the [*board*] **Oregon State Board of Nursing** takes any action on a license issued under  
26 ORS chapter 678 which might affect the ability of the license holder to practice as a school nurse.

27 **SECTION 63.** ORS 342.475 is amended to read:

28 342.475. (1) "School nurse" is established as a category of specialization in nursing.

29 (2) The [*Teacher Standards and Practices Commission*] **Department of Education** shall issue a  
30 certificate as a school nurse to a person who complies with the rules established by the  
31 [*commission*] **State Board of Education** for the certification and practice of school nursing or who  
32 has been certified by the Oregon State Board of Nursing as a school nurse practitioner. In estab-  
33 lishing rules for the certification and practice of any specialization of school nursing, the [*commis-*  
34 *sion*] **State Board of Education** shall consider the recommendations of the Oregon State Board of  
35 Nursing.

36 (3) The [*commission*] **Department of Education** may issue an emergency certificate that au-  
37 thORIZES a person licensed as a registered nurse in this state who does not meet the requirements  
38 of subsection (2) of this section to practice as a school nurse. Such certificates shall be issued for  
39 a limited time as set by the [*commission*] **State Board of Education**.

40 (4) Notwithstanding subsections (1) to (3) of this section, the [*commission*] **Department of Ed-**  
41 **ucation** shall issue a certificate in a school nurse specialization category to a registered nurse who  
42 applies for certification and who is employed by a school, school district or education service dis-  
43 trict to conduct and coordinate a school or district health services program or who serves in such  
44 a capacity on a voluntary basis on November 1, 1981. A certificate issued under this subsection shall  
45 be issued without further proof of qualification by the applicant.

1 (5) A certificate issued under this section is not a teaching license. The nurse holding a certifi-  
2 cate issued under this section is not subject to ORS 238.280 or 342.805 to 342.937.

3 **SECTION 64.** ORS 342.485 is amended to read:

4 342.485. The [*Teacher Standards and Practices Commission*] **Department of Education** shall  
5 consult with and advise the Oregon State Board of Nursing on the qualifications and practices in-  
6 volved in school nursing.

7 **SECTION 65.** ORS 342.553 is amended to read:

8 342.553. (1) Upon notice from a district school board of the resignation of a person who is li-  
9 censed by or registered with the [*Teacher Standards and Practices Commission*] **Department of**  
10 **Education**, the [*commission*] **department** may discipline the person if the person entered into a  
11 written contract to work in a public school and resigned the position without first providing 60 days'  
12 written notice, or the notice required in the applicable collective bargaining agreement, to the dis-  
13 trict superintendent or the school board.

14 (2) In disciplining a person as provided under this section, the [*commission*] **department** shall  
15 follow the procedure set forth in ORS 342.175 (4), 342.176 and 342.177.

16 **SECTION 66.** ORS 342.856 is amended to read:

17 342.856. (1) The State Board of Education[, *in consultation with the Teacher Standards and*  
18 *Practices Commission,*] shall adopt core teaching standards to improve student academic growth and  
19 learning by:

20 (a) Assisting school districts in determining the effectiveness of teachers and administrators and  
21 in making human resource decisions; and

22 (b) Improving the professional development and the classroom and administrative practices of  
23 teachers and administrators.

24 (2) The core teaching standards adopted under this section must:

25 (a) Take into consideration multiple measures of teacher effectiveness, based on widely accepted  
26 standards of teaching that encompass a range of appropriate teaching behaviors and that use mul-  
27 tiple evaluation methods;

28 (b) Take into consideration evidence of student academic growth and learning based on multiple  
29 measures of student progress, including performance data of students, schools and school districts;

30 (c) Be research-based;

31 (d) Be separately developed for teachers and administrators; and

32 (e) Be able to be customized for each school district, which may include individualized weighting  
33 and application of standards.

34 (3) The core teaching standards adopted under this section must attempt to:

35 (a) Strengthen the knowledge, skills, disposition and classroom and administrative practices of  
36 teachers and administrators in public schools;

37 (b) Refine the support, assistance and professional growth opportunities offered to a teacher or  
38 an administrator, based on the individual needs of the teacher or administrator and the needs of the  
39 students, the school and the school district of the teacher or administrator;

40 (c) Allow each teacher or administrator to establish a set of classroom or administrative prac-  
41 tices and student learning objectives that are based on the individual circumstances of the teacher  
42 or administrator, including the classroom or other assignments of the teacher or administrator;

43 (d) Establish a formative growth process for each teacher and administrator that supports pro-  
44 fessional learning and collaboration with other teachers and administrators; and

45 (e) Use evaluation methods and professional development, support and other activities that are

1 based on curricular standards and that are targeted to the needs of each teacher and administrator.

2 (4) A school district board must include the core teaching standards adopted under this section  
3 for all evaluations of teachers and administrators of the school district. The standards shall be  
4 customized based on the collaborative efforts of the teachers and administrators of the school dis-  
5 trict and the exclusive bargaining representative of the employees of the school district.

6 **SECTION 67.** ORS 342.971 is amended to read:

7 342.971. (1) There is created the Educator Preparation Improvement Fund, separate and distinct  
8 from the General Fund. Interest earned on moneys in the Educator Preparation Improvement Fund  
9 shall be credited to the fund.

10 (2) The [*Teacher Standards and Practices Commission*] **Department of Education** may accept  
11 from any source any grant, donation or gift of money or other valuable thing made to the [*commis-*  
12 *sion*] **department** for purposes of the Educator Preparation Improvement Fund.

13 (3) Moneys credited to the Educator Preparation Improvement Fund are continuously appropri-  
14 ated to the [*commission*] **department** for the purposes set forth in subsection (4) of this section. The  
15 [*commission*] **department** may draw checks or orders upon the State Treasurer in making dis-  
16 bursements from the Educator Preparation Improvement Fund for the purposes set forth in sub-  
17 section (4) of this section.

18 (4) The purpose of the Educator Preparation Improvement Fund is to encourage approved  
19 teacher education programs and school district partnerships that:

20 (a) Respond to changes in education of students in preprimary programs and grades 1 through  
21 12;

22 (b) Encourage collaboration around delivery models that provide effective professional prepara-  
23 tion;

24 (c) Recognize the needs of the education workforce in this state, including but not limited to  
25 recruiting underrepresented persons, teachers and administrators to work in high needs areas such  
26 as special education, mathematics, science and teaching English to speakers of other languages;

27 (d) Encourage collaborative initiatives that improve student success and postsecondary access  
28 and achievement; and

29 (e) Respond to the need for national accreditation of approved teacher education programs in  
30 this state.

31 **SECTION 68.** ORS 419B.005 is amended to read:

32 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

33 (1)(a) "Abuse" means:

34 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child  
35 which has been caused by other than accidental means, including any injury which appears to be  
36 at variance with the explanation given of the injury.

37 (B) Any mental injury to a child, which shall include only observable and substantial impairment  
38 of the child's mental or psychological ability to function caused by cruelty to the child, with due  
39 regard to the culture of the child.

40 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-  
41 tration and incest, as those acts are described in ORS chapter 163.

42 (D) Sexual abuse, as described in ORS chapter 163.

43 (E) Sexual exploitation, including but not limited to:

44 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
45 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage

1 in the performing for people to observe or the photographing, filming, tape recording or other ex-  
 2 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or  
 3 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-  
 4 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or  
 5 which is designed to serve educational or other legitimate purposes; and

6 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in  
 7 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as  
 8 described in ORS 163.413 or to patronize a prostitute as described in ORS 167.008.

9 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to  
 10 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
 11 welfare of the child.

12 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
 13 to the child's health or welfare.

14 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

15 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
 16 methamphetamines are being manufactured.

17 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child  
 18 to a substantial risk of harm to the child's health or safety.

19 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the  
 20 conditions described in paragraph (a) of this subsection.

21 (2) "Child" means an unmarried person who is under 18 years of age.

22 (3) "Higher education institution" means:

23 (a) A community college as defined in ORS 341.005;

24 (b) A public university listed in ORS 352.002;

25 (c) The Oregon Health and Science University; and

26 (d) A private institution of higher education located in Oregon.

27 (4) "Law enforcement agency" means:

28 (a) A city or municipal police department.

29 (b) A county sheriff's office.

30 (c) The Oregon State Police.

31 (d) A police department established by a university under ORS 352.383 or 353.125.

32 (e) A county juvenile department.

33 (5) "Public or private official" means:

34 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,  
 35 including any intern or resident.

36 (b) Dentist.

37 (c) School employee, including an employee of a higher education institution.

38 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide  
 39 or employee of an in-home health service.

40 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning  
 41 Division, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a county  
 42 health department, a community mental health program, a community developmental disabilities  
 43 program, a county juvenile department, a licensed child-caring agency or an alcohol and drug  
 44 treatment program.

45 (f) Peace officer.

- 1 (g) Psychologist.
- 2 (h) Member of the clergy.
- 3 (i) Regulated social worker.
- 4 (j) Optometrist.
- 5 (k) Chiropractor.
- 6 (L) Certified provider of foster care, or an employee thereof.
- 7 (m) Attorney.
- 8 (n) Licensed professional counselor.
- 9 (o) Licensed marriage and family therapist.
- 10 (p) Firefighter or emergency medical services provider.
- 11 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 12 (r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.
- 13 (s) Member of the Legislative Assembly.
- 14 (t) Physical, speech or occupational therapist.
- 15 (u) Audiologist.
- 16 (v) Speech-language pathologist.
- 17 (w) Employee of the [*Teacher Standards and Practices Commission*] **Department of Education**
- 18 directly involved in investigations or discipline by the [*commission*] **department**.
- 19 (x) Pharmacist.
- 20 (y) An operator of a preschool recorded program under ORS 329A.255.
- 21 (z) An operator of a school-age recorded program under ORS 329A.257.
- 22 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 23 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 24 109.056.
- 25 (bb) Employee of a public or private organization providing child-related services or activities:
- 26 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day
- 27 camps, survival camps or groups, centers or camps that are operated under the guidance, super-
- 28 vision or auspices of religious, public or private educational systems or community service organ-
- 29 izations; and
- 30 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide
- 31 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-
- 32 ficking.
- 33 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
- 34 if compensated and if the athlete is a child.
- 35 **SECTION 69.** ORS 419B.035, as amended by section 43, chapter 45, Oregon Laws 2014, is
- 36 amended to read:
- 37 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and
- 38 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records
- 39 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
- 40 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
- 41 ment of Human Services shall make the records available to:
- 42 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of
- 43 subsequent investigation of child abuse;
- 44 (b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-
- 45 tioner licensed under ORS 678.375 to 6789.390, at the request of the physician, physician assistant

1 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse  
 2 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-  
 3 tion, care or treatment;

4 (c) Attorneys of record for the child or child’s parent or guardian in any juvenile court pro-  
 5 ceeding;

6 (d) Citizen review boards established by the Judicial Department for the purpose of periodically  
 7 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile  
 8 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to  
 9 participants in case reviews;

10 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged  
 11 that a child has been subjected to child abuse or neglect;

12 (f) The Office of Child Care for certifying, registering or otherwise regulating child care facili-  
 13 ties;

14 (g) The Office of Children’s Advocate;

15 (h) The Teacher Standards and Practices [*Commission*] **Division** for investigations conducted  
 16 under ORS 342.176 involving any child or any student in grade 12 or below;

17 (i) Any person, upon request to the Department of Human Services, if the reports or records  
 18 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-  
 19 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be  
 20 disclosed in accordance with ORS 192.410 to 192.505; and

21 (j) The Office of Child Care for purposes of ORS 329A.030 (8)(g).

22 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-  
 23 partment of Human Services may exempt from disclosure the names, addresses and other identifying  
 24 information about other children, witnesses, victims or other persons named in the report or record  
 25 if the department determines, in written findings, that the safety or well-being of a person named in  
 26 the report or record may be jeopardized by disclosure of the names, addresses or other identifying  
 27 information, and if that concern outweighs the public’s interest in the disclosure of that information.

28 (b) If the Department of Human Services does not have a report or record of abuse regarding  
 29 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS  
 30 161.015, the department may disclose that information.

31 (3) The Department of Human Services may make reports and records compiled under the pro-  
 32 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,  
 33 agency, organization or other entity when the department determines that such disclosure is neces-  
 34 sary to administer its child welfare services and is in the best interests of the affected child, or that  
 35 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect  
 36 children from abuse and neglect or for research when the Director of Human Services gives prior  
 37 written approval. The Department of Human Services shall adopt rules setting forth the procedures  
 38 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this  
 39 section. The name, address and other identifying information about the person who made the report  
 40 may not be disclosed pursuant to this subsection and subsection (1) of this section.

41 (4) A law enforcement agency may make reports and records compiled under the provisions of  
 42 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-  
 43 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement  
 44 agency determines that disclosure is necessary for the investigation or enforcement of laws relating  
 45 to child abuse and neglect.

1 (5) A law enforcement agency, upon completing an investigation and closing the file in a specific  
2 case relating to child abuse or neglect, shall make reports and records in the case available upon  
3 request to any law enforcement agency or community corrections agency in this state, to the De-  
4 partment of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose  
5 of managing and supervising offenders in custody or on probation, parole, post-prison supervision  
6 or other form of conditional or supervised release. A law enforcement agency may make reports and  
7 records compiled under the provisions of ORS 419B.010 to 419B.050 available to law enforcement,  
8 community corrections, corrections or parole agencies in an open case when the law enforcement  
9 agency determines that the disclosure will not interfere with an ongoing investigation in the case.  
10 The name, address and other identifying information about the person who made the report may not  
11 be disclosed under this subsection or subsection (6)(b) of this section.

12 (6)(a) Any record made available to a law enforcement agency or community corrections agency  
13 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-  
14 vision or to a physician, physician assistant or nurse practitioner in this state, as authorized by  
15 subsections (1) to (5) of this section, shall be kept confidential by the agency, department, board,  
16 physician, physician or nurse practitioner. Any record or report disclosed by the Department of  
17 Human Services to other persons or entities pursuant to subsections (1) and (3) of this section shall  
18 be kept confidential.

19 (b) Notwithstanding paragraph (a) of this subsection:

20 (A) A law enforcement agency, a community corrections agency, the Department of Corrections  
21 and the State Board of Parole and Post-Prison Supervision may disclose records made available to  
22 them under subsection (5) of this section to each other, to law enforcement, community corrections,  
23 corrections and parole agencies of other states and to authorized treatment providers for the pur-  
24 pose of managing and supervising offenders in custody or on probation, parole, post-prison super-  
25 vision or other form of conditional or supervised release.

26 (B) A person may disclose records made available to the person under subsection (1)(i) of this  
27 section if the records are disclosed for the purpose of advancing the public interest.

28 (7) An officer or employee of the Department of Human Services or of a law enforcement agency  
29 or any person or entity to whom disclosure is made pursuant to subsections (1) to (6) of this section  
30 may not release any information not authorized by subsections (1) to (6) of this section.

31 (8) As used in this section, "law enforcement agency" has the meaning given that term in ORS  
32 181.010.

33 (9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

34 **SECTION 70.** ORS 675.520 is amended to read:

35 675.520. (1) A person may not use any title, words or abbreviations, including the title "social  
36 worker," that indicate that the person has an authorization to practice regulated social work unless  
37 the person is a regulated social worker.

38 (2) Subsection (1) of this section does not prohibit:

39 (a) The use of the educational designations "Bachelor of Social Work" or "Master's of Social  
40 Work" by a person who is not a regulated social worker; or

41 (b) The use of the title "school social worker" by a person who:

42 (A) Is not a regulated social worker;

43 (B) Holds a master's degree in social work from an accredited college or university; and

44 (C) Is licensed as a school social worker by the [*Teacher Standards and Practices Commission*]

45 **Department of Education.**

1        **SECTION 71.** ORS 681.230 is amended to read:

2        681.230. (1) Without obtaining a license under this chapter, a person may use any procedure  
3 included in the practice of speech-language pathology or audiology if the procedure is within the  
4 scope of practice of the person and the person is:

5            (a) Licensed by a health professional regulatory board as defined in ORS 676.160;

6            (b) Performing basic audiometric testing under the supervision of a physician licensed under  
7 ORS chapter 677 and representing that the person is a medical assistant or audiology assistant;

8            (c) A teacher licensed by the [*Teacher Standards and Practices Commission*] **Department of**  
9 **Education** and holding a hearing impaired endorsement; or

10           (d) A student participating in supervised field work or supervised course work in speech-  
11 language pathology or audiology as part of a college or university program approved by the State  
12 Board of Examiners for Speech-Language Pathology and Audiology or an undergraduate course in  
13 speech-language pathology approved by the board.

14        (2) A person practicing speech-language pathology or audiology without a license under sub-  
15 section (1) of this section may not represent or imply that the person is a speech-language  
16 pathologist, speech-language pathology assistant or audiologist.

17        (3) A person practicing speech-language pathology or audiology without a license under sub-  
18 section (1)(d) of this section:

19            (a) Must use a title that indicates that the person is a student trainee.

20            (b) May not be paid for speech-language pathology or audiology services provided by the person,  
21 except that the person may be provided a reasonable educational stipend.

22        (4) Without obtaining a license under this chapter, a teacher licensed by the [*Teacher Standards*  
23 *and Practices Commission*] **Department of Education** and holding a communications disorders or  
24 speech impaired endorsement issued by the [*commission*] **department** may practice speech-language  
25 pathology if the person:

26            (a) Practices speech-language pathology solely in the course and scope of the person's duties as  
27 an employee of an education service district, a school district or a charter school; and

28            (b) Complies with ORS 681.360 to 681.375 and rules adopted under ORS 681.360 to 681.375 when  
29 supervising speech-language pathology assistants.

30        (5) Without obtaining a license under this chapter, a person may:

31            (a) Consult with or disseminate the person's research findings and scientific information to ac-  
32 credited academic institutions or governmental agencies; and

33            (b) Offer lectures to the public for a fee, monetary or otherwise.

34        **SECTION 72.** ORS 681.360 is amended to read:

35        681.360. (1) A person may not perform the duties of a speech-language pathology assistant or  
36 use the title speech-language pathology assistant without a certificate to do so issued under this  
37 section.

38        (2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a  
39 person shall:

40            (a) Submit an application in the form prescribed by the State Board of Examiners for Speech-  
41 Language Pathology and Audiology;

42            (b) Pay the certificate fee established by the board;

43            (c) Demonstrate that the person meets the qualifications for certification established by the  
44 board; and

45            (d) Comply with all other requirements for certification established by the board.

1 (3) A certificate issued under this section expires every two years. To renew a certificate to  
2 perform the duties of a speech-language pathology assistant, a person shall:

3 (a) Submit the renewal application in the form prescribed by the board;

4 (b) Pay the renewal fee established by the board; and

5 (c) Comply with all other requirements for certificate renewal established by the board, includ-  
6 ing but not limited to submission of evidence of participation in professional development activities.

7 (4) A person may not employ or otherwise use the services of a speech-language pathology as-  
8 sistant unless the speech-language pathology assistant is certified under this section.

9 (5) The board may establish by rule qualifications and conditions under which a person not li-  
10 censed under this chapter who holds a basic or standard teaching license in speech impaired or an  
11 initial or professional teaching license or teacher leader license in communication disorders issued  
12 by the [*Teacher Standards and Practices Commission*] **Department of Education** may supervise a  
13 speech-language pathology assistant working in a school.

14 (6) The board may refuse to issue a certificate, or may suspend or revoke the certificate, of any  
15 certified speech-language pathology assistant pursuant to the provisions of ORS 681.350.

16 **SECTION 73. ORS 342.167 and 342.380 are repealed.**

17 **SECTION 74. For the purpose of harmonizing and clarifying statutory law, the Legislative  
18 Counsel may substitute for words designating the “Teacher Standards and Practices Com-  
19 mission Account,” wherever they occur in statutory law, words designating the “Educator  
20 Licensure Account.”**

21 **SECTION 75. Sections 10 and 74 of this 2015 Act, the amendments to statutes by sections  
22 9 and 11 to 72 of this 2015 Act and the repeal of statutes by section 73 of this 2015 Act become  
23 operative on January 1, 2016.**

24 **SECTION 76. The Department of Education may take any action before the operative  
25 date of sections 1 to 7 of this 2015 Act that is necessary to enable the department to exercise,  
26 on and after the operative date of sections 1 to 7 of this 2015 Act, the duties, functions and  
27 powers of the department pursuant to sections 1 to 7 of this 2015 Act.**

28 **SECTION 77. This 2015 Act being necessary for the immediate preservation of the public  
29 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
30 on its passage.**

31