

HB 2166-5
(LC 622)
4/9/21 (HRL/ps)

Requested by HOUSE COMMITTEE ON EDUCATION (at the request of the Racial Justice Council)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2166**

1 In line 2 of the printed bill, after the semicolon insert “creating new
2 provisions; amending ORS 326.051, 329A.280, 329A.330, 338.155, 340.073,
3 342.120, 342.147, 342.437, 342.940 and 348.295 and sections 4 and 5, chapter 756,
4 Oregon Laws 2015;”.

5 After line 2, insert:

6 “Whereas an equitable system of education means a system that enables
7 every child to have an equal chance for success in education; and

8 “Whereas an equitable system of education must take into consideration
9 the whole child, including the child’s background, personal characteristics,
10 family situation, mental health and social emotional development; and

11 “Whereas all children deserve to receive high quality, culturally respon-
12 sive, developmentally appropriate and inclusive early childhood care and
13 education regardless of race, ethnicity, language or disability; and

14 “Whereas not all children are given the same opportunity to succeed in
15 education, as children in early childhood care or education programs are
16 disproportionately disciplined based on race, ethnicity, language or disabil-
17 ity; and

18 “Whereas there are limited opportunities for early childhood care and
19 education professionals who serve some of this state’s most vulnerable low
20 income families to access professional development resources that are cul-
21 turally specific or language diverse or that are related to behavioral health;

1 and

2 “Whereas providing resources and professional development to early
3 childhood care professionals and educators could improve equity in education
4 by reducing the disproportionate imposition of discipline, including suspen-
5 sion and expulsion; and

6 “Whereas social emotional learning is a central component of an inte-
7 grated model of mental and emotional health that also includes racial equity,
8 trauma-informed principles and practices and strengths-based multitiered
9 systems of support; and

10 “Whereas social emotional learning skills, in conjunction with racial eq-
11 uity, trauma-informed principles and practices and strengths-based multi-
12 tiered systems of support, can contribute significantly to mental and
13 emotional health and overall health promotion and can be an integral part
14 of school culture, climate, safety and mental and physical health promotion
15 efforts; and

16 “Whereas social emotional learning skills, in conjunction with racial eq-
17 uity, trauma-informed principles and practices and strengths-based multi-
18 tiered systems of support, can enable school communities to create just,
19 equitable and inclusive cultures in which all students, staff and leaders be-
20 long and feel respected, valued and affirmed in their individual and inter-
21 sectional interests, talents, social identities, cultural values and
22 backgrounds; and

23 “Whereas social emotional learning skills, in conjunction with racial eq-
24 uity, trauma-informed principles and practices and strengths-based multi-
25 tiered systems of support, can help schools cultivate understanding, examine
26 biases, reflect on and address the impact of racism, build cross-cultural re-
27 lationships and foster adult and student practices that close opportunity gaps
28 and create more inclusive school communities that deliver high quality edu-
29 cational opportunities and outcomes for all students; and

30 “Whereas social emotional learning should be incorporated into all aca-

1 demic content standards as part of an integrated model of mental and emo-
2 tional health, with the explicit goal being to promote antiracism and
3 educational equity and to create conditions for all students to thrive; and

4 “Whereas this state’s commitment to equity includes a culturally respon-
5 sive educator workforce, which requires a vigorous and comprehensive com-
6 mitment to relevant professional development and supports for educators who
7 are serving this state’s diverse learners; and

8 “Whereas high quality educator preparation and ongoing, effective pro-
9 fessional development and supports for educators are critical variables to an
10 equitable education system, excellent teaching, educator retention and im-
11 proved learning and development; and

12 “Whereas recent actions taken by the Legislative Assembly have empha-
13 sized the need to address professional development for educators who serve
14 children and students in early childhood and in kindergarten through grade
15 12; and

16 “Whereas this state seeks to recruit and retain more diverse educators for
17 the purposes of enhancing the capacity of all educators to create safe, equi-
18 table and inclusive learning environments and addressing institutional
19 racism that limits opportunities for many children and students; now, there-
20 fore,”.

21 Delete lines 4 through 15 and insert:

22

23 **“EARLY CHILDHOOD SUSPENSION AND EXPULSION PREVENTION**

24

25 **“SECTION 1. (1) The Early Childhood Suspension and Expulsion**
26 **Prevention Program is established. The Early Learning Division shall**
27 **administer the program as provided by this section.**

28 **“(2) The purposes of the Early Childhood Suspension and Expulsion**
29 **Prevention Program are to:**

30 **“(a) Reduce the use of suspension and expulsion in early childhood**

1 care and education programs; and

2 “(b) Reduce disparities in the use of suspension and expulsion in
3 early childhood care and education programs based on race, ethnicity,
4 language, ability or any other protected class identified by the Early
5 Learning Council by rule.

6 “(3) The Early Childhood Suspension and Expulsion Prevention
7 Program shall achieve the purposes described in subsection (2) of this
8 section by:

9 “(a) Incorporating into early childhood care and education pro-
10 grams racial equity, trauma-informed principles and practices and
11 strengths-based multitiered systems of support;

12 “(b) Supporting the capacity of families, educators and early child-
13 hood care and education professionals to promote children’s social
14 emotional well-being and growth;

15 “(c) Creating a source for early childhood care and education pro-
16 fessionals to request technical assistance related to children’s social
17 emotional well-being and growth;

18 “(d) Building capacity in communities to deliver technical assist-
19 ance that supports:

20 “(A) Children’s social emotional development;

21 “(B) Children’s positive racial identity development;

22 “(C) Antibias practices in early childhood care and education pro-
23 grams; and

24 “(D) Inclusive practices in early childhood care and education pro-
25 grams;

26 “(e) Enhancing community-based supports for families that have a
27 history of trauma, are involved in multiple systems of support or need
28 connection to intervention services;

29 “(f) Providing early childhood care and education professionals with
30 access to technical assistance to support the stability of placements

1 in early childhood care and education programs; and

2 “(g) Developing and supporting practices that reduce the use of
3 suspension or expulsion.

4 “(4) Under the Early Childhood Suspension and Expulsion Pre-
5 vention Program, the Early Learning Division shall establish:

6 “(a) Common definitions related to antibias practices in early
7 childhood care and education;

8 “(b) Common definitions related to inclusive practices in early
9 childhood care and education;

10 “(c) Common definitions and guidelines for early childhood care and
11 education suspension and expulsion;

12 “(d) Standards and guidelines for program administration and for
13 the delivery of technical assistance services that are culturally re-
14 sponsive and that ensure technical assistance is implemented with a
15 focus on antibias and inclusive practices;

16 “(e) Requirements for knowledge, skills and competencies for tech-
17 nical assistance specialists and mental health consultants participat-
18 ing in the program, with a focus on racial equity, the science of child
19 development, trauma-informed principles and practices, social emo-
20 tional learning principles, antibias practices and inclusive practices;

21 “(f) Standards for data collection and evaluation to assess the im-
22 pacts of the program, including eliminating disparities in exclusionary
23 practices based on race, ethnicity, language, ability or other protected
24 classes; and

25 “(g) Requirements that early childhood care and education pro-
26 grams certified or registered under ORS 329A.280 or 329A.330, or re-
27 ceiving public funding for early childhood care and education services,
28 must request services from the Early Childhood Suspension and Ex-
29 pulsion Prevention Program when a young child in an early childhood
30 care or education program is facing potential expulsion.

1 “(5) In support of the Early Childhood Suspension and Expulsion
2 Prevention Program, the Early Learning Division shall coordinate
3 with the Oregon Health Authority to develop a plan for integrated
4 mental and behavioral health and social and emotional supports for
5 children and families, including establishing a resource list of diverse,
6 community-based mental health consultants to support the goals of
7 the suspension and expulsion program.

8 “(6) The Early Learning Council may adopt any rules necessary for
9 the administration of this section.

10 “**SECTION 2.** ORS 329A.280 is amended to read:

11 “329A.280. (1) A person may not operate a child care facility, except a
12 facility subject to the registration requirements of ORS 329A.330, without a
13 certification for the facility from the Office of Child Care.

14 “(2) The Early Learning Council shall adopt rules for the certification of
15 a family child care home caring for not more than 16 children. The rules
16 shall be specifically adopted for the regulation of certified child care facili-
17 ties operated in a facility constructed as a single-family dwelling. Notwith-
18 standing fire and other safety regulations, the rules that the council adopts
19 for certified child care facilities shall set standards that can be met without
20 significant architectural modification of a typical home. In adopting the
21 rules, the council may consider and set limits according to factors including
22 the age of children in care, the ambulatory ability of children in care, the
23 number of the provider’s children present, the length of time a particular
24 child is continuously cared for and the total amount of time a particular
25 child is cared for within a given unit of time. **The rules must require**
26 **compliance with the provisions of section 1 of this 2021 Act.**

27 “(3) In addition to rules adopted for and applied to a certified family child
28 care home providing child care for not more than 16 children, the council
29 shall adopt and apply separate rules appropriate for any child care facility
30 that is a child care center.

1 “(4) Any person seeking to operate a child care facility may apply for a
2 certification for the facility from the Office of Child Care and receive a
3 certification upon meeting certification requirements.

4 “(5) A facility described in ORS 329A.250 (5)(d) may, but is not required
5 to, apply for a certification under this section and receive a certification
6 upon meeting certification requirements.

7 **“SECTION 3.** ORS 329A.330 is amended to read:

8 “329A.330. (1) A provider operating a family child care home where care
9 is provided in the family living quarters of the provider’s home that is not
10 subject to the certification requirements of ORS 329A.280 may not operate
11 a child care facility without registering with the Office of Child Care.

12 “(2) A child care facility holding a registration may care for a maximum
13 of 10 children, including the provider’s own children. Of the 10 children:

14 “(a) No more than six may be younger than school age; and

15 “(b) No more than two may be 24 months of age or younger.

16 “(3)(a) To obtain a registration, a provider must apply to the Office of
17 Child Care by submitting a completed application work sheet and a
18 nonrefundable fee. The fee shall vary according to the number of children for
19 which the facility is requesting to be registered, and shall be determined and
20 applied through rules adopted by the Early Learning Council under ORS
21 329A.275. The fee shall be deposited as provided in ORS 329A.310 (2). The
22 office may waive any or all of the fee if the office determines that imposition
23 of the fee would impose a hardship on the provider.

24 “(b) Upon receipt of an initial or renewal application satisfactory to the
25 office, the office shall conduct an on-site review of the child care facility
26 under this section. The on-site review shall be conducted within 30 days of
27 the receipt of a satisfactory application.

28 “(4) The office shall issue a registration to a provider operating a family
29 child care home if:

30 “(a) The provider has completed a child care overview class administered

1 by the office;

2 “(b) The provider has completed two hours of training on child abuse and
3 neglect issues;

4 “(c) The provider is currently certified in infant and child first aid and
5 cardiopulmonary resuscitation;

6 “(d) The provider is certified as a food handler under ORS 624.570; and

7 “(e) The office determines that the application meets the requirements of
8 ORS 181A.200, 329A.030 and 329A.250 to 329A.450 and the rules promulgated
9 pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and 329A.250 to
10 329A.450, and receives a satisfactory records check, including criminal re-
11 cords and protective services records.

12 “(5) Unless the registration is revoked as provided in ORS 329A.350, the
13 registration is valid for a period of two years from the date of issuance. The
14 office may not renew a registration of a provider operating a family child
15 care home unless the provider:

16 “(a) Is currently certified in infant and child first aid and
17 cardiopulmonary resuscitation;

18 “(b) Has completed a minimum of eight hours of training related to child
19 care during the most recent registration period; [*and*]

20 “(c) Is certified as a food handler under ORS 624.570[.]; **and**

21 **“(d) When applicable, has complied with the requirements of sec-**
22 **tion 1 of this 2021 Act prior to imposing an expulsion.**

23 “(6) A registration authorizes operation of the facility only on the prem-
24 ises described in the registration and only by the person named in the reg-
25 istration.

26 “(7) The Early Learning Council shall adopt rules:

27 “(a) Creating the application work sheet required under subsection (3) of
28 this section;

29 “(b) Defining full-time and part-time care;

30 “(c) Establishing under what circumstances the adult to child ratio re-

1 requirements may be temporarily waived; and

2 “(d) Establishing health and safety procedures and standards on:

3 “(A) The number and type of toilets and sinks available to children;

4 “(B) Availability of steps or blocks for use by children;

5 “(C) Room temperature;

6 “(D) Lighting of rooms occupied by children;

7 “(E) Glass panels on doors;

8 “(F) Condition of floors;

9 “(G) Availability of emergency telephone numbers; and

10 “(H) Smoking.

11 “(8) The office shall adopt the application work sheet required by sub-
12 section (3) of this section. The work sheet must include, but need not be
13 limited to, the following:

14 “(a) The number and ages of the children to be cared for at the facility;
15 and

16 “(b) The health and safety procedures in place and followed at the facil-
17 ity.

18 “(9)(a) If the Office of Child Care determines that it is necessary to pro-
19 tect the health and safety of the children for whom a child care facility is
20 to provide care, the office may impose a condition on the facility’s registra-
21 tion that is reasonably designed to protect the health and safety of children.
22 The office may impose a condition during the application process for an in-
23 itial registration, during the application process for a renewal of a registra-
24 tion or at any time after the issuance of a registration.

25 “(b) Except as provided in paragraph (c) of this subsection, when the of-
26 fice imposes a condition on a child care facility’s registration, the facility
27 shall be afforded an opportunity for a hearing consistent with the provisions
28 of ORS chapter 183.

29 “(c)(A) If the office finds a serious danger to the health and safety of the
30 children receiving care at a child care facility, the office shall notify the

1 facility of the specific reasons for the finding and may impose an emergency
2 condition on the facility's registration without a hearing.

3 “(B) If the facility demands a hearing within 90 days after the office no-
4 tifies the facility of the emergency condition, a hearing consistent with the
5 provisions of ORS chapter 183 must be granted to the facility as soon as
6 practicable after the demand and the agency shall issue an order consistent
7 with the provisions of ORS chapter 183 confirming, altering or revoking the
8 order imposing the emergency condition.

9 “(10) The office, upon good cause shown, may waive one or more of the
10 registration requirements. The office may waive a requirement only if ap-
11 propriate conditions or safeguards are imposed to protect the welfare of the
12 children and the consumer interests of the parents of the children. The office
13 may not waive the on-site review requirement for applicants applying for an
14 initial registration or renewal of a registration.

15 “(11) The Early Learning Council, by rule, shall develop a list of recom-
16 mended standards consistent with standards established by professional or-
17 ganizations regarding child care programs for child care facilities.
18 Compliance with the standards is not required for a registration, but the
19 office shall encourage voluntary compliance and shall provide technical as-
20 sistance to a child care facility attempting to comply with the standards. The
21 child care facility shall distribute the list of recommended minimum stan-
22 dards to the parents of all children cared for at the facility.

23 “(12) In adopting rules relating to registration, the Early Learning
24 Council shall consult with the appropriate legislative committee in develop-
25 ing the rules to be adopted. If the rules are being adopted during a period
26 when the Legislative Assembly is not in session, the Early Learning Council
27 shall consult with the appropriate interim legislative committee.

28

29

“SOCIAL EMOTIONAL LEARNING STANDARDS

30

1 **“SECTION 4. (1) The Department of Education, in consultation with**
2 **the Early Learning Division and the Teacher Standards and Practices**
3 **Commission, shall convene an advisory group to propose for adoption**
4 **by the State Board of Education:**

5 **“(a) Social emotional learning standards for public school students**
6 **in kindergarten through grade 12; and**

7 **“(b) A statewide social emotional framework for public school stu-**
8 **dents in kindergarten through grade 12.**

9 **“(2) The standards and framework proposed by the advisory group**
10 **must:**

11 **“(a) Be developmentally appropriate;**

12 **“(b) Align with other models and practices of the department re-**
13 **lated to mental health;**

14 **“(c) Include racial equity and trauma-informed principles and**
15 **practices within strengths-based multitiered systems of support;**

16 **“(d) Increase public school students’ social emotional development;**

17 **“(e) Promote self-awareness, awareness of others, critical thinking**
18 **and understanding regarding the interaction between systemic social**
19 **structures and histories, contributions and perspectives of individuals**
20 **who:**

21 **“(A) Are Alaska Native, Native American, Black, African American,**
22 **Asian, Native Hawaiian, Pacific Islander, Latinx or Middle Eastern;**

23 **“(B) Are women;**

24 **“(C) Have disabilities;**

25 **“(D) Are immigrants or refugees;**

26 **“(E) Are lesbian, gay, bisexual, transgender, queer, two-spirit,**
27 **intersex, asexual, nonbinary or another minority gender identity or**
28 **sexual orientation; or**

29 **“(F) Have experienced disproportionate results in education due to**
30 **historical practices; and**

1 “(f) Promote the creation of school cultures that support kindness,
2 care, connection, equity, diversity and inclusion.

3 “(3) The advisory group shall submit a report to the board that de-
4 scribes the proposed standards and framework. The board shall con-
5 sider the report when adopting the standards and framework.

6 “(4) Subject to the direction from the board, the department shall
7 determine the number and frequency of meetings to be held by the
8 advisory group prior to the submission of the report required under
9 subsection (3) of this section.

10 “SECTION 5. (1) The Department of Education shall convene the
11 advisory group required by section 4 of this 2021 Act no later than
12 September 1, 2021.

13 “(2) The report required under section 4 of this 2021 Act must be
14 submitted to the State Board of Education no later than September
15 15, 2022.

16 “(3) The board shall adopt social emotional learning standards and
17 the social emotional framework described in section 4 of this 2021 Act
18 no later than September 15, 2023.

19 “(4) The board shall require school districts to implement the
20 standards and framework no later than July 1, 2024.

21 “SECTION 6. Sections 4 and 5 of this 2021 Act are repealed on Jan-
22 uary 2, 2025.

23

24

“EDUCATOR EQUITY

25

26 “SECTION 7. ORS 342.437 is amended to read:

27 “342.437. (1) As a result of this state’s commitment to equality for the
28 diverse peoples of this state, the goal of the state is that the percentage of
29 diverse educators employed by a school district or an education service dis-
30 trict reflects the percentage of diverse students in the public schools of this

1 state or the percentage of diverse students in the district.

2 “(2) [*The Department of Education*] **The State Board of Education, in**
3 **consultation with the Educator Advancement Council,** shall use federal
4 reports on educator equity to monitor school district and education service
5 district progress on meeting the goal described in subsection (1) of this sec-
6 tion, in relation to the recruitment, hiring and retention of diverse educa-
7 tors.

8 **“SECTION 8.** ORS 326.051 is amended to read:

9 “326.051. Subject to ORS 417.300 and 417.305:

10 “(1) In addition to such other duties as are prescribed by law and pursu-
11 ant to the requirement of ORS chapter 183, the State Board of Education
12 shall:

13 “(a) Establish state standards for public kindergartens and public ele-
14 mentary and secondary schools consistent with the policies stated in ORS
15 326.011.

16 “(b) Adopt rules for the general governance of public kindergartens and
17 public elementary and secondary schools.

18 “(c) Prescribe required or minimum courses of study.

19 **“(d) Adopt rules for public kindergartens and public elementary and**
20 **secondary schools consistent with the policy stated in ORS 342.437.**

21 “[*d*] (e) Adopt rules regarding school and interscholastic activities.

22 “[*e*] (f) Adopt rules that provide that no public elementary or secondary
23 school shall discriminate in determining participation in interscholastic ac-
24 tivities. As used in this paragraph, ‘discrimination’ has the meaning given
25 that term in ORS 659.850.

26 “[*f*] (g) Adopt rules that will eliminate the use and purchase of ele-
27 mental mercury, mercury compounds and mercury-added instructional mate-
28 rials by public elementary and secondary schools.

29 “(2) The State Board of Education may:

30 “(a) Consistent with the laws of this state, accept money or property not

1 otherwise provided for under paragraph (b) of this subsection, which is do-
2 nated for the use or benefit of the public kindergartens and public elemen-
3 tary and secondary schools and use such money or property for the purpose
4 for which it was donated. Until it is used, the board shall deposit any money
5 received under this paragraph in a special fund with the State Treasurer as
6 provided in ORS 293.265 to 293.275.

7 “(b) Apply for federal funds and accept and enter into any contracts or
8 agreements on behalf of the state for the receipt of such funds from the
9 federal government or its agencies for:

10 “(A) Educational purposes, including but not limited to any funds avail-
11 able for the school lunch program;

12 “(B) Career and technical education programs in public elementary and
13 secondary schools; and

14 “(C) Any grants available to the state or its political subdivisions for
15 general federal aid for public kindergartens, public elementary schools and
16 public secondary schools and their auxiliary services, improvement of
17 teacher preparation, teacher salaries, construction of school buildings, ad-
18 ministration of the Department of Education and any other educational ac-
19 tivities under the jurisdiction of the State Board of Education.

20 “(c) Adopt rules to administer the United States Department of
21 Agriculture’s National School Lunch Program and School Breakfast Program
22 for public and private prekindergarten through grade 12 schools and resi-
23 dential child care facilities.

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

26 “342.147. [(1)(a)] (1) The Teacher Standards and Practices Commission
27 shall establish by rule standards for approval of educator preparation pro-
28 viders and educator preparation programs.

29 “(2) **Standards for approval of an educator preparation provider may**
30 **allow approval of an institution of higher education, a school district**

1 **in this state, an education service district in this state or any other**
2 **entity in this state that sponsors or provides an educator preparation**
3 **program.**

4 “[*b*] **(3)(a)** Standards for approval of an educator preparation program
5 must include:

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

10 “(B) Approving a public educator preparation program of more than four
11 years’ duration only if educator preparation programs that are reasonably
12 attainable in a four-year period, **or the equivalent**, are also available in the
13 system of higher education and are designed to culminate in a baccalaureate
14 degree that qualifies their graduates for entry-level teaching licenses.

15 “[*c*] **(b)** Standards for approval of an educator preparation program for
16 early childhood education, elementary education, special education or read-
17 ing must require that:

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

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

22 “**(4)(a) Notwithstanding subsection (3)(a)(A) of this section, stan-**
23 **dards for approval of an educator preparation program may allow an**
24 **educator preparation program to operate provisionally without ac-**
25 **creditation by a national organization if the educator preparation**
26 **program is:**

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

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

1 **“(b) A nontraditional pathway to licensure program shall be con-**
2 **sidered an approved educator preparation program if the nontradi-**
3 **tional pathway to licensure program complies with standards**
4 **established by the commission. The commission shall establish stan-**
5 **dards for nontraditional pathway to licensure programs that:**

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

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

11 **“(C) Require the proposed nontraditional pathway to licensure pro-**
12 **gram to submit to the commission a preoperational capacity review**
13 **from a national accrediting organization that is approved by the**
14 **commission.**

15 **“(c)(A) Nothing in this subsection requires a nontraditional path-**
16 **way to licensure program to:**

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

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

20 **“(B) Nothing in this subsection prevents an accredited educator**
21 **preparation provider from offering a nontraditional pathway to**
22 **licensure.**

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

27 **“[(2)] (5) The commission shall adopt rules that:**

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

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

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

11 “[3] (6) Whenever any educator preparation provider or educator prepa-
12 ration program is denied approved status or has such status withdrawn, the
13 denial or withdrawal must be treated as a contested case under ORS chapter
14 183.

15 “[4] (7) Nothing in this section is intended to grant to the Teacher
16 Standards and Practices Commission any authority relating to granting de-
17 grees or establishing degree requirements that are within the authority of
18 the Higher Education Coordinating Commission or any of the public uni-
19 versities listed in ORS 352.002, or that are within the authority of the gov-
20 erning board of any private institution of higher education.

21 **“SECTION 10.** Section 4, chapter 756, Oregon Laws 2015, as amended by
22 section 10, chapter 756, Oregon Laws 2015, is amended to read:

23 **“Sec. 4.** (1) The Teacher Education Program Accreditation Account is
24 established in the State Treasury, separate and distinct from the General
25 Fund. Interest earned by the Teacher Education Program Accreditation Ac-
26 count shall be accredited to the account.

27 “(2) Moneys in the Teacher Education Program Accreditation Account are
28 continuously appropriated to the Teacher Standards and Practices Commis-
29 sion to award grants to educator preparation programs for the purpose of
30 having the programs accredited by the organization described in ORS 342.147

1 [(1)(b)(A)] **(3)(a)(A)**, as amended by section 8 [*of this 2015 Act*], **chapter 756,**
2 **Oregon Laws 2015, section 2, chapter 317, Oregon Laws 2017, and sec-**
3 **tion 9 of this 2021 Act.**

4 **“SECTION 11.** Section 5, chapter 756, Oregon Laws 2015, is amended to
5 read:

6 **“Sec. 5.** (1) The Teacher Education Program Accreditation Account es-
7 tablished by section 4 [*of this 2015 Act*], **chapter 756, Oregon Laws 2015,**
8 is abolished on July 1, [2022] **2025.**

9 **“(2)** Any moneys remaining in the account on July 1, [2022] **2025,** that are
10 unexpended, unobligated and not subject to any conditions shall be trans-
11 ferred to the General Fund on July 1, [2022] **2025.**

12 **“SECTION 12.** ORS 342.120 is amended to read:

13 **“342.120.** As used in this chapter, unless the context requires otherwise:

14 **“(1)** ‘Administrator’ includes but is not limited to all superintendents,
15 assistant superintendents, principals and academic program directors in
16 public schools or education service districts who have direct responsibility
17 for supervision or evaluation of licensed teachers and who are compensated
18 for their services from public funds.

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

21 **“(3)** ‘Approved educator preparation program’ means a licensure program
22 that:

23 **“(a) Prepares persons to become educators in any grade from pre-**
24 **primary through grade 12;**

25 **“(b)** Is offered by an approved educator preparation provider [*and*]; **and**

26 **“(c)** Meets the standards of the Teacher Standards and Practices Com-
27 mission, **as provided by ORS 342.147.**

28 **“(4)** ‘Approved educator preparation provider’ means [*an entity*] **a sponsor**
29 **or provider of an educator preparation program** that meets the standards
30 of the Teacher Standards and Practices Commission [*for preparation of li-*

1 *censed educators for preprimary programs through grade 12], as provided by*
2 **ORS 342.147.**

3 “(5) ‘Instruction’ includes preparation of curriculum, assessment and di-
4 rection of learning in class, in small groups, in individual situations, online,
5 in the library and in guidance and counseling, but does not include the
6 provision of related services, as defined in ORS 343.035, to a child identified
7 as a child with a disability pursuant to ORS 343.146 to 343.183 when provided
8 in accordance with ORS 343.221.

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

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

19 “(8) ‘Teaching license’ means a license issued under ORS 342.125 or
20 342.144.

21 “(9) ‘Underrepresented person’ means:

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

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

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

27 “(d) An American Indian or [*Alaskan*] **Alaska** Native having origins in
28 any of the original peoples of North America.

29 **“SECTION 13.** ORS 348.295 is amended to read:

30 “348.295. (1) In addition to any other form of student financial aid au-

1 thORIZED by law, the Higher Education Coordinating Commission may award
2 scholarships to culturally and linguistically diverse teacher candidates to use
3 at approved educator preparation providers, as defined in ORS 342.120, for
4 the purpose of advancing the goal described in ORS 342.437.

5 “(2) Scholarships awarded under this section shall be in amounts of
6 ~~[\$5,000]~~ **\$10,000** each academic year, for a maximum of two academic years.

7 “(3) The commission shall adopt rules necessary for the implementation
8 and administration of this section in consultation with the Educator Ad-
9 vancement Council and the Department of Education.

10 **“SECTION 14.** ORS 342.940 is amended to read:

11 “342.940. (1) As used in this section and ORS 342.943, ‘educator’ means a
12 teacher, administrator or other school professional who is licensed, regis-
13 tered or certified by the Teacher Standards and Practices Commission.

14 “[2)(a) *The Educator Advancement Council is created, as provided by ORS*
15 *190.010 (5) and with the authority described in ORS 190.110, for the purposes*
16 *of providing resources related to educator professional learning and other ed-*
17 *ucator supports.]*

18 “[b) *The council shall function through an intergovernmental agreement,*
19 *as provided by ORS 190.003 to 190.130. The intergovernmental agreement shall*
20 *outline the governance framework and the administrative details necessary for*
21 *the efficient and effective implementation of the duties of the council.]*

22 “[3)(a) *The council shall consist of members who are representatives of the*
23 *members of the intergovernmental agreement creating the council, including*
24 *representatives of state agencies, school districts and education service*
25 *districts].*

26 “[b) *In addition to the members of the council specified in paragraph (a)*
27 *of this subsection, the council shall consist of members who are:]*

28 “[A) *Practicing educators, early learning providers and professionals and*
29 *school district board members; and]*

30 “[B) *Representatives of educator preparation providers, education-focused*

1 *nonprofit organizations, education-focused philanthropic organizations, profes-*
2 *sional education associations, community-based education organizations that*
3 *represent families and students, post-secondary institutions of education and*
4 *federally recognized tribes of this state.]*

5 “[*(c) The majority of the members of the council identified under para-*
6 *graphs (a) and (b) of this subsection may identify additional members of the*
7 *council.*”]

8 **“(2) The Educator Advancement Council shall be established and**
9 **function under an intergovernmental agreement, pursuant to ORS**
10 **190.003 to 190.130. The purposes of the council are to provide resources**
11 **related to educator professional learning and to provide other educator**
12 **supports.**

13 **“(3) Parties to the intergovernmental agreement establishing the**
14 **council must include:**

15 **“(a) The Department of Education;**

16 **“(b) The Early Learning Division;**

17 **“(c) The Teacher Standards and Practices Commission;**

18 **“(d) The Higher Education Coordinating Commission;**

19 **“(e) A school district; and**

20 **“(f) An education service district.**

21 **“(4) The intergovernmental agreement establishing the council shall**
22 **outline the governance framework and the administrative details nec-**
23 **essary for the efficient and effective implementation of the duties of**
24 **the council, including:**

25 **“(a) Designating the maximum number of members of the council.**

26 **“(b) Identifying the process for the council to select the chairperson**
27 **of the council. The chairperson must be one of the members of the**
28 **council and shall be responsible for overseeing official council busi-**
29 **ness.**

30 **“(c) Identifying the process for the council to appoint the executive**

1 **director of the council. Appointment of the executive director must**
2 **be by written order, filed with the Secretary of State, and the execu-**
3 **tive director shall serve at the pleasure of the council. The executive**
4 **director shall be responsible for the daily operations of the council,**
5 **including the appointment of all subordinate officers and employees**
6 **of the council. Officers and employees of the council shall be consid-**
7 **ered persons in state service for purposes of ORS chapter 240, and,**
8 **subject to ORS chapter 240, the executive director shall prescribe their**
9 **duties and fix their compensation.**

10 **“(5)(a) The council shall consist of:**

11 **“(A) Members who are representatives of the parties to the inter-**
12 **governmental agreement establishing the council, as identified in**
13 **subsection (3) of this section.**

14 **“(B) No more than 10 members who are practicing educators, early**
15 **learning providers and professionals and school district board mem-**
16 **bers.**

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

23 **“(b) Subject to any limits designated as provided by the intergov-**
24 **ernmental agreement establishing the council, the majority of the**
25 **members of the council identified under paragraph (a) of this sub-**
26 **section may propose additional members of the council. The inclusion**
27 **of additional members on the council shall be subject to the proce-**
28 **dures established by the council under the intergovernmental agree-**
29 **ment.**

30 **“[(4)] (6) The council shall:**

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

4 “(b) Coordinate the distribution of moneys to educator networks from the
5 Educator Advancement Fund based on the needs of the educators identified
6 by the networks;

7 “(c) Connect educator networks and facilitate communications within and
8 among the networks to improve teaching and learning; and

9 “(d) Continuously assess the needs of educators in this state and coordi-
10 nate priorities based on the moneys available for distribution from the Edu-
11 cator Advancement Fund.

12 “[5] (7) The Department of Education shall provide support to the stra-
13 tegic direction of the council by:

14 “(a) Conducting and coordinating research to monitor:

15 “(A) Teaching and learning conditions;

16 “(B) Educator workforce supply and demand; and

17 “(C) Common outcomes and measures anticipated to promote improvement
18 in teaching and learning.

19 “(b) Assisting the council in coordinating and connecting educator net-
20 works, supporting professional learning priorities, enabling access to profes-
21 sional learning and supports, leveraging funding sources and managing
22 innovation funds.

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

25 “(d) Supporting programs that help to achieve the purposes of the Edu-
26 cators Equity Act.

27 “(e) Supporting a statewide plan for increasing:

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

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

1 “(f) Identifying high-leverage educator practices to be developed by edu-
2 cators throughout their careers.

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

4 “(A) Gives preference, when making recommendations about funding dis-
5 tributions, to entities that have demonstrated success in improving student
6 indicators.

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

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

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

13 “(h) Providing staff support for the administrative functions of the coun-
14 cil.

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

17 “(j) Providing technical assistance to the council, including online sys-
18 tems for sharing professional learning resources and supporting educator
19 networks.

20 “(k) Administering the distribution of grant and contract funds for pro-
21 grams described in this section.

22 “(L) Providing administrative support to the educator networks, includ-
23 ing:

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

26 “(B) Providing technical assistance to educator networks; and

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

29 “[~~(6)(a)~~] **(8)(a)** The State Board of Education and the Teacher Standards
30 and Practices Commission may adopt any rules necessary at the request of

1 the council to support the council or to perform any duties assigned to the
2 board or commission under this section.

3 “(b) The council may adopt rules pursuant to ORS chapter 183 for the
4 purpose of ORS 342.943.

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

7

8 **“PUBLIC CHARTER SCHOOL FUNDING**

9

10 **“SECTION 15.** ORS 338.155 is amended to read:

11 “338.155. (1)(a) Students of a public charter school shall be considered to
12 be residents of the school district in which the public charter school is lo-
13 cated for purposes of distribution of the State School Fund.

14 “(b) All amounts to be distributed from the State School Fund for public
15 charter schools shall first be distributed to the school district in which the
16 public charter school is located.

17 “(c) For the purpose of determining the amounts to be distributed to a
18 school district from the State School Fund for a public charter school, the
19 district extended ADMw described in ORS 327.013 shall be calculated:

20 “(A) Except as provided by subparagraph (B) of this paragraph, as though
21 the students enrolled at a public charter school are students enrolled at the
22 public schools of the school district in which the public charter school is
23 located.

24 “(B) By not including any portion of the ADM of the public charter
25 school for the previous school year if the public charter school ceased to
26 operate because of dissolution or closure or because of termination or
27 nonrenewal of a charter.

28 “(2) A school district shall contractually establish, with any public char-
29 ter school that is sponsored by the board of the school district, payment for
30 provision of educational services to the public charter school’s students. The

1 payment shall equal an amount per weighted average daily membership
2 (ADMw) of the public charter school that is at least equal to:

3 “(a) [*Eighty*] **80** percent of the amount of the school district’s General
4 Purpose Grant per ADMw as calculated under ORS 327.013 for students who
5 are enrolled in kindergarten through grade eight[; *and*] **if the public char-**
6 **ter school is a virtual public charter school or the public charter**
7 **school does not have a student population described in paragraph (b)**
8 **of this subsection.**

9 “(b) **96.4** percent of the amount of the school district’s General
10 Purpose Grant per ADMw as calculated under ORS 327.013 for students
11 who are enrolled in kindergarten through grade eight if the public
12 charter school is not a virtual public charter school and the public
13 charter school has a student population of which:

14 “(A) **50** percent or more of the kindergarten through grade eight
15 student population from the previous school year is composed of stu-
16 dents from the following student groups:

17 “(i) **Economically disadvantaged**, as described in ORS 327.180
18 **(2)(b)(A);**

19 “(ii) **Racial or ethnic groups that have historically experienced ac-**
20 **ademic disparities**, as described in ORS 327.180 (2)(b)(B); or

21 “(iii) **Students with disabilities**, as described in ORS 327.180 (2)(b)(C);
22 **and**

23 “(B) **The percentage of the students from student groups identified**
24 **in subparagraph (A) of this paragraph is greater than:**

25 “(i) **The percentage of all students in the school district who are**
26 **economically disadvantaged**, if eligibility is determined based on the
27 **percentage of students who are economically disadvantaged;**

28 “(ii) **The percentage of all students in the school district who are**
29 **from racial or ethnic groups that have historically experienced aca-**
30 **ademic disparities**, if eligibility is determined based on the percentage

1 **of students who are from those racial or ethnic groups; or**

2 **“(iii) The percentage of all students in the school district who are**
3 **disabled, if eligibility is determined based on the percentage of stu-**
4 **dents who are disabled.**

5 “[*b*] (c) [*Ninety-five*] **95** percent of the amount of the school district’s
6 General Purpose Grant per ADMw as calculated under ORS 327.013 for stu-
7 dents who are enrolled in grades 9 through 12.

8 “(3) A school district shall contractually establish, with any public char-
9 ter school that is sponsored by the State Board of Education and that is
10 within the boundaries of the school district, payment for provision of edu-
11 cational services to the public charter school’s students. The payment shall
12 equal an amount per weighted average daily membership (ADMw) of the
13 public charter school that is at least equal to:

14 “(a) [*Ninety*] **90** percent of the amount of the school district’s General
15 Purpose Grant per ADMw as calculated under ORS 327.013 for students who
16 are enrolled in kindergarten through grade eight[; *and*].

17 “(b) [*Ninety-five*] **95** percent of the amount of the school district’s General
18 Purpose Grant per ADMw as calculated under ORS 327.013 for students who
19 are enrolled in grades 9 through 12.

20 “(4) The estimated amount of each school district’s General Purpose
21 Grant per ADMw shall be determined each year by the Department of Edu-
22 cation and made available to all school districts.

23 “(5) The school district in which the public charter school is located shall
24 transfer an amount per weighted average daily membership (ADMw) of the
25 public charter school that is equal to 50 percent of the amount of the school
26 district’s General Purpose Grant per ADMw as calculated under ORS 327.013
27 that is not paid to the public charter school through a contract created
28 pursuant to subsection (3) of this section to the Department of Education.

29 “(6) The department may use any moneys received under this section for
30 activities related to public charter schools.

1 “(7) A school district and a public charter school may negotiate to es-
2 tablish a payment for the provision of educational services to the public
3 charter school’s students that is more than the minimum amounts specified
4 in subsection (2) or (3) of this section.

5 “(8) A school district shall send payment to a public charter school based
6 on a contract negotiated under this section within 10 days after receiving
7 payments from the State School Fund pursuant to ORS 327.095.

8 “(9)(a) A public charter school may apply for any grant that is available
9 to school districts or nonchartered public schools from the Department of
10 Education. The department shall consider the application of the public
11 charter school in the same manner as an application from a school district
12 or nonchartered public school.

13 “(b) The department shall award any grant that is available to school
14 districts based solely on the weighted average daily membership (ADMw) of
15 the school district directly to the public charter school. This paragraph does
16 not apply to any grant from the State School Fund.

17 **“SECTION 16.** ORS 340.073 is amended to read:

18 “340.073. (1) A public charter school may elect to participate in the Ex-
19 panded Options Program by amending its charter under ORS 338.065.

20 “(2) Actual instructional costs associated with participating eligible stu-
21 dents shall be negotiated and paid directly to the eligible post-secondary in-
22 stitution by the public charter school.

23 “(3) The participating public charter school may not require funding from
24 the sponsor of the school for payment of Expanded Options Program costs
25 that is in addition to funding that already has been contractually established
26 pursuant to ORS 338.155 [(2)(b)] (2)(c) or (3)(b) or 338.165 (2)(b).

27 **“SECTION 17. (1) The amendments to ORS 338.155 and 340.073 by**
28 **sections 15 and 16 of this 2021 Act become operative July 1, 2022.**

29 **“(2) The amendments to ORS 338.155 by section 15 of this 2021 Act**
30 **first apply to the 2022-2023 school year.**

