

B-Engrossed
House Bill 4030

Ordered by the House February 17
Including House Amendments dated February 14 and February 17

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Education for Representative Teresa Alonso Leon)

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.

Prohibits Department of Education from requiring fingerprints of certain persons [*when department determines emergency exists*]. **Removes prohibition on July 1, 2024.**

Directs Teacher Standards and Practices Commission to conduct review of commission's license reciprocity process and to identify changes that will simplify process. Requires commission to report findings to interim committee of Legislative Assembly related to education. Sunsets January 2, 2023.

Directs commission to adopt rules that provide for reduction or suspension of professional development requirements that are needed to renew license, registration or certification at any time from January 1, 2022, until December 31, 2023.

Directs department and commission to jointly review application process for persons seeking jobs in education and to evaluate options for establishing and maintaining statewide portal. Requires department and commission to jointly report findings to interim committee of Legislative Assembly related to education. Sunsets January 2, 2024.

Directs State Board of Education to adopt rules for distributing grants for purposes of recruiting and retaining personnel in education. Limits biennial expenditures made from American Rescue Plan Act Coronavirus State Fiscal Recovery Fund for grants. Sunsets January 2, 2024.

Directs board to adopt rules for providing reimbursements to substitute teachers and instructional assistants for costs personally incurred for required training. Limits biennial expenditures made from American Rescue Plan Act Coronavirus State Fiscal Recovery Fund for reimbursements. Sunsets January 2, 2024.

Directs board to suspend certain reporting requirements for school districts and education service districts. Sunsets June 30, 2023.

Directs commission to employ at least one individual for purpose of assisting persons in becoming licensed or registered educators.

Directs commission, in partnership with University of Oregon, to establish workforce data system for purpose of gathering data on needs of education workforce serving students in kindergarten through grade 12. Limits biennial expenditures made from American Rescue Plan Act Coronavirus State Fiscal Recovery Fund for data system. Sunsets January 2, 2024.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to educators; creating new provisions; amending ORS 326.603 and 342.125; and declaring
3 an emergency.

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

5
6 **BACKGROUND CHECKS**

7
8 **SECTION 1.** ORS 326.603 is amended to read:

9 326.603. (1) For the purposes of requesting a state or nationwide criminal records check under
10 ORS 181A.195, the Department of Education may require the fingerprints of:

11 (a) A school district or private school contractor, whether part-time or full-time, or an employee
12 of a contractor, whether part-time or full-time, who has direct, unsupervised contact with students

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 as determined by the district or private school.

2 (b) A person newly hired, whether part-time or full-time, by a school district or private school
3 in a capacity not described in ORS 342.223 (1).

4 (c) A person who is a community college faculty member providing instruction:

5 (A) At the site of an early childhood education program or at a school site as part of an early
6 childhood education program; or

7 (B) At a kindergarten through grade 12 school site during the regular school day.

8 (d) A person who is an employee of a public charter school.

9 (2)(a) A school district shall send to the Department of Education for purposes of a criminal
10 records check any information, including fingerprints, for each person described in subsection (1)
11 of this section.

12 (b) A private school may send to the Department of Education for purposes of a criminal records
13 check any information, including fingerprints, for each person described in subsection (1)(a), (b) or
14 (c) of this section.

15 (3) The Department of Education shall request that the Department of State Police conduct a
16 criminal records check as provided in ORS 181A.195 and may charge the school district or private
17 school a fee as established by rule under ORS 181A.195. The school district or private school may
18 recover its costs or a portion thereof from the person described in subsection (1) of this section. If
19 the person described in subsection (1)(b) or (d) of this section requests, the school district shall and
20 a private school may withhold the amount from amounts otherwise due the person, including a pe-
21 riodic payroll deduction rather than a lump sum payment.

22 (4) Notwithstanding subsection (1) of this section, the Department of Education may not require
23 fingerprints of a person described in subsection (1) of this section if:

24 (a) The person or the person's employer was checked in one school district or private school
25 and is currently seeking to work in another district or private school unless the person lived outside
26 this state during the interval between the two periods of time of working in the district or private
27 school[.]; or

28 (b) **The department determines that the person:**

29 (A) **Submitted to a criminal records check for the person's immediately previous em-**
30 **ployer, the employer is a school district or private school and the person has not lived out-**
31 **side this state between the two periods of employment;**

32 (B) **Submitted to a criminal records check conducted by the Teacher Standards and**
33 **Practices Commission within the previous three years; or**

34 (C) **Remained continuously licensed or registered with the commission.**

35 (5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this
36 section to submit to fingerprinting until the person has been offered employment or a contract by
37 a school district or private school. Contractor employees may not be required to submit to finger-
38 printing until the contractor has been offered a contract.

39 (6) If a person described in subsection (1) of this section states on a criminal history form pro-
40 vided by the Department of Education that the person has not been convicted of a crime but the
41 criminal records check indicates that the person has a conviction, the department shall determine
42 whether the person knowingly made a false statement as to the conviction. The department shall
43 develop a process and criteria to use for appeals of a determination under this subsection.

44 (7)(a) The Superintendent of Public Instruction shall inform a school district or private school
45 if a person described in subsection (1) of this section has been convicted of a crime listed in ORS

1 342.143 (3) or has knowingly made a false statement on a criminal history form provided by the
2 Department of Education as to the conviction of any crime.

3 (b) If a person described in subsection (1) of this section has been convicted of a crime listed in
4 ORS 342.143 (3), a school district may not employ or contract with the person and a private school
5 may choose not to employ or contract with the person. Notification by the superintendent that the
6 school district may not employ or contract with the person shall remove the person from any school
7 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
8 provisions of ORS 342.805 to 342.937.

9 (c) If a person described in subsection (1) of this section has knowingly made a false statement
10 on a criminal history form provided by the Department of Education as to the conviction of a crime
11 not listed in ORS 342.143 (3), a school district or private school may choose to employ or contract
12 with the person.

13 (8) If a person described in subsection (1) of this section refuses to consent to the criminal re-
14 cords check or refuses to be fingerprinted, the school district shall terminate the employment or
15 contract status of the person. Termination under this subsection removes the person from any school
16 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
17 provisions of ORS 342.805 to 342.937.

18 (9) A school district may not hire or continue to employ or contract with or allow the contractor
19 to continue to assign a person to the school project if the person described in subsection (1) of this
20 section has been convicted of a crime according to the provisions of ORS 342.143.

21 (10) As used in this section and ORS 326.607:

22 (a) "Private school" means a school that:

23 (A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combina-
24 tion of those grade levels; and

25 (B) Provides instructional programs that are not limited solely to dancing, drama, music, reli-
26 gious or athletic instruction.

27 (b) "School district" means:

28 (A) A school district as defined in ORS 330.003.

29 (B) The Oregon School for the Deaf.

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

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

32 (E) An education service district.

33 **SECTION 1a.** ORS 326.603, as amended by section 1 of this 2022 Act, is amended to read:

34 326.603. (1) For the purposes of requesting a state or nationwide criminal records check under
35 ORS 181A.195, the Department of Education may require the fingerprints of:

36 (a) A school district or private school contractor, whether part-time or full-time, or an employee
37 of a contractor, whether part-time or full-time, who has direct, unsupervised contact with students
38 as determined by the district or private school.

39 (b) A person newly hired, whether part-time or full-time, by a school district or private school
40 in a capacity not described in ORS 342.223 (1).

41 (c) A person who is a community college faculty member providing instruction:

42 (A) At the site of an early childhood education program or at a school site as part of an early
43 childhood education program; or

44 (B) At a kindergarten through grade 12 school site during the regular school day.

45 (d) A person who is an employee of a public charter school.

1 (2)(a) A school district shall send to the Department of Education for purposes of a criminal
2 records check any information, including fingerprints, for each person described in subsection (1)
3 of this section.

4 (b) A private school may send to the Department of Education for purposes of a criminal records
5 check any information, including fingerprints, for each person described in subsection (1)(a), (b) or
6 (c) of this section.

7 (3) The Department of Education shall request that the Department of State Police conduct a
8 criminal records check as provided in ORS 181A.195 and may charge the school district or private
9 school a fee as established by rule under ORS 181A.195. The school district or private school may
10 recover its costs or a portion thereof from the person described in subsection (1) of this section. If
11 the person described in subsection (1)(b) or (d) of this section requests, the school district shall and
12 a private school may withhold the amount from amounts otherwise due the person, including a pe-
13 riodic payroll deduction rather than a lump sum payment.

14 (4) Notwithstanding subsection (1) of this section, the Department of Education may not require
15 fingerprints of a person described in subsection (1) of this section if[:]

16 [(a)] the person or the person's employer was checked in one school district or private school
17 and is currently seeking to work in another district or private school unless the person lived outside
18 this state during the interval between the two periods of time of working in the district or private
19 school[; or].

20 [(b) *The department determines that the person:*]

21 [(A) *Submitted to a criminal records check for the person's immediately previous employer, the*
22 *employer is a school district or private school and the person has not lived outside this state between*
23 *the two periods of employment;*]

24 [(B) *Submitted to a criminal records check conducted by the Teacher Standards and Practices*
25 *Commission within the previous three years; or]*

26 [(C) *Remained continuously licensed or registered with the commission.*]

27 (5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this
28 section to submit to fingerprinting until the person has been offered employment or a contract by
29 a school district or private school. Contractor employees may not be required to submit to finger-
30 printing until the contractor has been offered a contract.

31 (6) If a person described in subsection (1) of this section states on a criminal history form pro-
32 vided by the Department of Education that the person has not been convicted of a crime but the
33 criminal records check indicates that the person has a conviction, the department shall determine
34 whether the person knowingly made a false statement as to the conviction. The department shall
35 develop a process and criteria to use for appeals of a determination under this subsection.

36 (7)(a) The Superintendent of Public Instruction shall inform a school district or private school
37 if a person described in subsection (1) of this section has been convicted of a crime listed in ORS
38 342.143 (3) or has knowingly made a false statement on a criminal history form provided by the
39 Department of Education as to the conviction of any crime.

40 (b) If a person described in subsection (1) of this section has been convicted of a crime listed in
41 ORS 342.143 (3), a school district may not employ or contract with the person and a private school
42 may choose not to employ or contract with the person. Notification by the superintendent that the
43 school district may not employ or contract with the person shall remove the person from any school
44 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
45 provisions of ORS 342.805 to 342.937.

1 (c) If a person described in subsection (1) of this section has knowingly made a false statement
2 on a criminal history form provided by the Department of Education as to the conviction of a crime
3 not listed in ORS 342.143 (3), a school district or private school may choose to employ or contract
4 with the person.

5 (8) If a person described in subsection (1) of this section refuses to consent to the criminal re-
6 cords check or refuses to be fingerprinted, the school district shall terminate the employment or
7 contract status of the person. Termination under this subsection removes the person from any school
8 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
9 provisions of ORS 342.805 to 342.937.

10 (9) A school district may not hire or continue to employ or contract with or allow the contractor
11 to continue to assign a person to the school project if the person described in subsection (1) of this
12 section has been convicted of a crime according to the provisions of ORS 342.143.

13 (10) As used in this section and ORS 326.607:

14 (a) "Private school" means a school that:

15 (A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combina-
16 tion of those grade levels; and

17 (B) Provides instructional programs that are not limited solely to dancing, drama, music, reli-
18 gious or athletic instruction.

19 (b) "School district" means:

20 (A) A school district as defined in ORS 330.003.

21 (B) The Oregon School for the Deaf.

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

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

24 (E) An education service district.

25 **SECTION 1b. The amendments to ORS 326.603 by section 1a of this 2022 Act become op-**
26 **erative on July 1, 2024.**

27
28 **EDUCATOR LICENSE RECIPROCITY**

29
30 **SECTION 2. (1) The Teacher Standards and Practices Commission shall:**

31 **(a) Conduct a review of the commission's process for licensing educators from other**
32 **states;**

33 **(b) Identify and implement any changes to the process reviewed under paragraph (a) of**
34 **this subsection that will simplify the process and encourage educators from other states to**
35 **become licensed in Oregon; and**

36 **(c) Identify any necessary statutory changes that would enable or encourage out-of-state**
37 **educators to become licensed in Oregon.**

38 **(2) The commission shall report the commission's findings under subsection (1) of this**
39 **section to an interim committee of the Legislative Assembly related to education no later**
40 **than September 1, 2022.**

41 **SECTION 3. Section 2 of this 2022 Act is repealed on January 2, 2023.**

42
43 **EDUCATOR PROFESSIONAL DEVELOPMENT**

44
45 **SECTION 4. (1) The Teacher Standards and Practices Commission shall adopt rules that**

1 provide for the reduction or suspension of professional development requirements that a
2 person must complete before the person may renew a license, registration or certification
3 issued by the commission.

4 (2) The rules adopted under subsection (1) of this section must apply to professional de-
5 velopment requirements needed to renew a license, registration or certification at any time
6 from January 1, 2022, until December 31, 2023.

7
8 **STATEWIDE PORTAL FOR JOBS IN EDUCATION**

9
10 **SECTION 5.** (1) The Department of Education and the Teacher Standards and Practices
11 Commission shall jointly:

12 (a) Review the application process for persons seeking jobs in education in this state,
13 including licensed and classified staff; and

14 (b) Evaluate options for establishing and maintaining a statewide portal that provides:

15 (A) A single location for the posting of jobs in education in this state;

16 (B) A common background check to be used by education employers; and

17 (C) The option for persons to submit a common application for jobs in education in this
18 state.

19 (2) For the purpose of subsection (1) of this section, the department and commission shall
20 consult with school districts and education service districts.

21 (3) The department and commission shall jointly report the department's and
22 commission's findings under subsection (1) of this section to an interim committee of the
23 Legislative Assembly related to education no later than September 1, 2023.

24 **SECTION 6.** Section 5 of this 2022 Act is repealed on January 2, 2024.

25
26 **RECRUITMENT AND RETENTION GRANTS**

27
28 **SECTION 7.** (1) The State Board of Education shall adopt by rule requirements by which
29 the Department of Education shall distribute grants for the purposes of recruiting and re-
30 taining personnel in education, with a priority on personnel in high-need specialties and in-
31 cluding personnel who are licensed or classified.

32 (2) The rules adopted under this section shall provide that:

33 (a) Grants may be distributed to a school district, an education service district or an
34 education personnel membership organization;

35 (b) A school district, an education service district or an education personnel membership
36 organization may use grant moneys to make direct payments to personnel for the purpose
37 of recruiting or retaining the personnel; and

38 (c) An application for a grant submitted by a school district or an education service dis-
39 trict must demonstrate significant participation by school district or education service dis-
40 trict personnel in developing the application.

41 (3) To the greatest extent practicable, the rules adopted under this section shall take into
42 consideration and build on efforts for recruitment and retention made with other funding
43 sources.

44 **SECTION 8.** Notwithstanding any other law limiting expenditures, the amount of \$ _____
45 is established for the biennium ending June 30, 2023, as the maximum limit for payment of

1 expenses by the Department of Education from the American Rescue Plan Act Coronavirus
2 State Fiscal Recovery Fund moneys received by the Oregon Department of Administrative
3 Services and transferred to the Department of Education to be used as provided by section
4 7 of this 2022 Act.

5 SECTION 9. Section 7 of this 2022 Act is repealed on January 2, 2024.

6
7 **REIMBURSEMENT OF REQUIRED TRAINING COSTS INCURRED**
8 **BY SUBSTITUTE TEACHERS AND INSTRUCTIONAL ASSISTANTS**
9

10 SECTION 10. The State Board of Education shall adopt by rule requirements by which
11 the Department of Education shall provide reimbursements to substitute teachers and to
12 instructional assistants for costs personally incurred by the teachers and assistants for re-
13 quired training. The rules may allow for reimbursements to be made from the department
14 to a school district or education service district for distribution to the substitute teachers
15 and instructional assistants, but in no event may a district retain any moneys distributed
16 under this section.

17 SECTION 11. Notwithstanding any other law limiting expenditures, the amount of
18 \$_____ is established for the biennium ending June 30, 2023, as the maximum limit for
19 payment of expenses by the Department of Education from the American Rescue Plan Act
20 Coronavirus State Fiscal Recovery Fund moneys received by the Oregon Department of Ad-
21 ministrative Services and transferred to the Department of Education to be used as provided
22 by section 10 of this 2022 Act.

23 SECTION 12. Section 10 of this 2022 Act is repealed on January 2, 2024.

24
25 **NONESSENTIAL REPORTING REQUIREMENTS**
26

27 SECTION 13. Notwithstanding any provision of law, the State Board of Education shall
28 suspend for school districts and education service districts any reporting requirements that:

- 29 (1) Are not required by federal law; and
30 (2) Are not essential, as determined by the board.

31 SECTION 14. Section 13 of this 2022 Act is repealed on June 30, 2023.

32
33 **LICENSING OR REGISTRATION ASSISTANCE**
34

35 SECTION 15. ORS 342.125 is amended to read:

36 342.125. (1) Teaching licenses shall be issued and renewed by the Teacher Standards and Prac-
37 tices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and the
38 rules of the commission.

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

42 (a) The person is not ineligible for a license following background checks conducted by the
43 Teacher Standards and Practices Commission, including a criminal records check as provided in
44 ORS 181A.195 and a background check through an interstate clearinghouse of revoked and sus-
45 pended licenses;

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

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

5 (d) The person and the school district have complied with any other requirements established
6 by the commission by rule.

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

9 (a) Preliminary teaching license.

10 (b) Professional teaching license.

11 (c) Distinguished teacher leader license.

12 (d) Preliminary personnel service license.

13 (e) Professional personnel service license.

14 (f) Preliminary administrative license.

15 (g) Professional administrative license.

16 (h) Reciprocal license.

17 (i) Legacy license.

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

22 (5)(a) The Teacher Standards and Practices Commission shall establish a public charter school
23 teacher and administrator registry. The commission shall require the applicant and the public
24 charter school to jointly submit an application requesting registration as a public charter school
25 teacher or administrator. The application shall include:

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

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

29 (C) Documentation as required by the commission for the purposes of conducting a criminal re-
30 cords check as provided in ORS 181A.195 and a background check through an interstate clearing-
31 house of revoked and suspended licenses.

32 (b) Subject to the results of the criminal records check and background check and to informa-
33 tion received under ORS 342.143 (2), the commission shall approve the application for registration.
34 The commission may deny a request for registration only on the basis of the criminal records check,
35 the background check through an interstate clearinghouse of revoked and suspended licenses or the
36 information received under ORS 342.143 (2). The registration is valid for a term established by the
37 commission and, subject to information received under ORS 342.143 (2), may be renewed upon joint
38 application from the teacher or administrator and the public charter school.

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

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

45 (6)(a) The Teacher Standards and Practices Commission shall adopt an expedited process for the

1 issuance of any license established pursuant to this section. The expedited process may require the
2 following:

- 3 (A) The showing of an urgent situation; and
- 4 (B) The joint request for the expedited process from the applicant for the license and:
 - 5 (i) The school district superintendent or school district board;
 - 6 (ii) The public charter school governing body; or
 - 7 (iii) The education service district superintendent or board of directors of the education service
8 district.

9 (b) Except as provided by paragraph (c) of this subsection, the commission shall issue a license
10 as provided by this subsection within two working days after receiving a completed application.

11 (c) The commission may limit the number of applications the commission will accept under this
12 subsection from a school district or an education service district to not more than 100 applications
13 in a period of two working days.

14 (d) For purposes of this subsection, the commission may not distinguish between a school district
15 or an education service district involved in a labor dispute and any other school district or educa-
16 tion service district.

17 **(7) The Teacher Standards and Practices Commission shall employ at least one individual
18 for the purpose of assisting persons in becoming licensed or registered by the commission.**

19
20 **EDUCATION WORKFORCE DATA SYSTEM**

21
22 **SECTION 16. The Teacher Standards and Practices Commission, in partnership with the
23 University of Oregon, shall establish a workforce data system for the purpose of gathering
24 data on the needs of the education workforce serving students in kindergarten through grade
25 12.**

26 **SECTION 17. Notwithstanding any other law limiting expenditures, the amount of
27 \$_____ is established for the biennium ending June 30, 2023, as the maximum limit for
28 payment of expenses by the Teacher Standards and Practices Commission from the Ameri-
29 can Rescue Plan Act Coronavirus State Fiscal Recovery Fund moneys received by the Oregon
30 Department of Administrative Services and transferred to the Teacher Standards and Prac-
31 tices Commission to be used as provided by section 16 of this 2022 Act.**

32 **SECTION 18. Section 16 of this 2022 Act is repealed on January 2, 2024.**

33
34 **CAPTIONS**

35
36 **SECTION 19. The unit captions used in this 2022 Act are provided only for the conven-
37 ience of the reader and do not become part of the statutory law of this state or express any
38 legislative intent in the enactment of this 2022 Act.**

39
40 **EMERGENCY CLAUSE**

41
42 **SECTION 20. This 2022 Act being necessary for the immediate preservation of the public
43 peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect
44 on its passage.**