

C-Engrossed
House Bill 4030

Ordered by the House February 28
Including House Amendments dated February 14 and February 17 and
February 28

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. 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

Relating to educators; creating new provisions; amending ORS 326.603; and declaring an emergency.

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

BACKGROUND CHECKS

SECTION 1. ORS 326.603 is amended to read:

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

(a) A school district or private school contractor, whether part-time or full-time, or an employee 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 provision of law, the General Fund appropriation
45 made to the Department of Education by section 2 (3), chapter 603, Oregon Laws 2021, for

1 the biennium ending June 30, 2023, for other K-12 grant-in-aid programs, is increased by
2 \$78,162,971, for implementation of section 7 of this 2022 Act.

3 SECTION 9. Section 7 of this 2022 Act is repealed on January 2, 2024.
4

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

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

15 SECTION 11. Notwithstanding any other provision of law, the General Fund appropriation
16 made to the Department of Education by section 2 (3), chapter 603, Oregon Laws 2021, for
17 the biennium ending June 30, 2023, for other K-12 grant-in-aid programs, is increased by
18 \$19,540,743, for implementation of section 10 of this 2022 Act.

19 SECTION 12. Section 10 of this 2022 Act is repealed on January 2, 2024.
20

21 **NONESSENTIAL REPORTING REQUIREMENTS**
22

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

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

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

28 NOTE: Section 15 was deleted by amendment. Subsequent sections were not renumbered.
29

30 **EDUCATION WORKFORCE DATA SYSTEM**
31

32 SECTION 16. The Teacher Standards and Practices Commission, in partnership with the
33 University of Oregon, shall establish a workforce data system for the purpose of gathering
34 data on the needs of the education workforce serving students in kindergarten through grade
35 12.

36 SECTION 17. In addition to and not in lieu of any other appropriation, there is appro-
37 priated to the Teacher Standards and Practices Commission, for the biennium ending June
38 30, 2023, out of the General Fund, the amount of \$320,000, for implementation of section 16
39 of this 2022 Act.

40 SECTION 18. Section 16 of this 2022 Act is repealed on January 2, 2024.
41

42 **APPROPRIATIONS**
43

44 SECTION 19. Notwithstanding any other provision of law, the General Fund appropriation
45 made to the Department of Education by section 1 (1), chapter 603, Oregon Laws 2021, for

1 the biennium ending June 30, 2023, for operations, is increased by \$1,623,093, for implemen-
2 tation of the provisions of this 2022 Act.

3 **SECTION 20.** In addition to and not in lieu of any other appropriation, there is appro-
4 priated to the Teacher Standards and Practices Commission, for the biennium ending June
5 30, 2023, out of the General Fund, the amount of \$353,193, for implementation of the pro-
6 visions of this 2022 Act.

7
8 **CAPTIONS**

9
10 **SECTION 21.** The unit captions used in this 2022 Act are provided only for the conven-
11 ience of the reader and do not become part of the statutory law of this state or express any
12 legislative intent in the enactment of this 2022 Act.

13
14 **EMERGENCY CLAUSE**

15
16 **SECTION 22.** This 2022 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect
18 on its passage.
19 _____