

HB 4030-2  
(LC 198)  
2/7/22 (HRL/ps)

Requested by HOUSE COMMITTEE ON EDUCATION (at the request of Senator Michael Dembrow)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4030**

1 In line 2 of the printed bill, after “educators” insert “; creating new pro-  
2 visions; amending ORS 326.603, 342.125 and 342.608; and declaring an emer-  
3 gency”.

4 Delete lines 4 through 8 and insert:

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  
10 records check under ORS 181A.195, the Department of Education may require  
11 the fingerprints of:

12 “(a) A school district or private school contractor, whether part-time or  
13 full-time, or an employee of a contractor, whether part-time or full-time, who  
14 has direct, unsupervised contact with students as determined by the district  
15 or private school.

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

18 “(c) A person who is a community college faculty member providing in-  
19 struction:

20 “(A) At the site of an early childhood education program or at a school  
21 site as part of an early childhood education program; or

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

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

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

7 “(b) A private school may send to the Department of Education for pur-  
8 poses of a criminal records check any information, including fingerprints, for  
9 each person described in subsection (1)(a), (b) or (c) of this section.

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

19 “(4) Notwithstanding subsection (1) of this section, the Department of  
20 Education may not require fingerprints of a person described in subsection  
21 (1) of this section if:

22 “(a) The person or the person’s employer was checked in one school dis-  
23 trict or private school and is currently seeking to work in another district  
24 or private school unless the person lived outside this state during the inter-  
25 val between the two periods of time of working in the district or private  
26 school[.]; **or**

27 “(b) **The department determines that an emergency exists and that**  
28 **the person:**

29 “(A) **Submitted to a criminal records check for the person’s imme-**  
30 **diately previous employer, the employer is a school district or private**

1 **school and the person has not lived outside this state between the two**  
2 **periods of employment;**

3 **“(B) Submitted to a criminal records check conducted by the**  
4 **Teacher Standards and Practices Commission within the previous**  
5 **three years;**

6 **“(C) Remained continuously licensed or registered with the com-**  
7 **mission; or**

8 **“(D) Had a license or registration with the commission that lapsed**  
9 **within the previous three years.**

10 “(5) Nothing in this section requires a person described in subsection  
11 (1)(a), (b) or (d) of this section to submit to fingerprinting until the person  
12 has been offered employment or a contract by a school district or private  
13 school. Contractor employees may not be required to submit to fingerprinting  
14 until the contractor has been offered a contract.

15 “(6) If a person described in subsection (1) of this section states on a  
16 criminal history form provided by the Department of Education that the  
17 person has not been convicted of a crime but the criminal records check in-  
18 dicates that the person has a conviction, the department shall determine  
19 whether the person knowingly made a false statement as to the conviction.  
20 The department shall develop a process and criteria to use for appeals of a  
21 determination under this subsection.

22 “(7)(a) The Superintendent of Public Instruction shall inform a school  
23 district or private school if a person described in subsection (1) of this sec-  
24 tion has been convicted of a crime listed in ORS 342.143 (3) or has knowingly  
25 made a false statement on a criminal history form provided by the Depart-  
26 ment of Education as to the conviction of any crime.

27 “(b) If a person described in subsection (1) of this section has been con-  
28 victed of a crime listed in ORS 342.143 (3), a school district may not employ  
29 or contract with the person and a private school may choose not to employ  
30 or contract with the person. Notification by the superintendent that the

1 school district may not employ or contract with the person shall remove the  
2 person from any school district policies, collective bargaining provisions re-  
3 garding dismissal procedures and appeals and the provisions of ORS 342.805  
4 to 342.937.

5 “(c) If a person described in subsection (1) of this section has knowingly  
6 made a false statement on a criminal history form provided by the Depart-  
7 ment of Education as to the conviction of a crime not listed in ORS 342.143  
8 (3), a school district or private school may choose to employ or contract with  
9 the person.

10 “(8) If a person described in subsection (1) of this section refuses to con-  
11 sent to the criminal records check or refuses to be fingerprinted, the school  
12 district shall terminate the employment or contract status of the person.  
13 Termination under this subsection removes the person from any school dis-  
14 trict policies, collective bargaining provisions regarding dismissal procedures  
15 and appeals and the provisions of ORS 342.805 to 342.937.

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

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

21 “(a) ‘Private school’ means a school that:

22 “(A) Offers education in prekindergarten, kindergarten or grades 1  
23 through 12, or any combination of those grade levels; and

24 “(B) Provides instructional programs that are not limited solely to danc-  
25 ing, drama, music, religious or athletic instruction.

26 “(b) ‘School district’ means:

27 “(A) A school district as defined in ORS 330.003.

28 “(B) The Oregon School for the Deaf.

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

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

2 “(E) An education service district.

3  
4 **“EDUCATOR LICENSE RECIPROCITY**

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6 **“SECTION 2. (1) The Teacher Standards and Practices Commission**  
7 **shall:**

8 **“(a) Conduct a review of the commission’s process for licensing**  
9 **educators from other states;**

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

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

16 **“(2) The commission shall report the commission’s findings under**  
17 **subsection (1) of this section to an interim committee of the Legisla-**  
18 **tive Assembly related to education no later than September 1, 2022.**

19 **“SECTION 3. Section 2 of this 2022 Act is repealed on January 2,**  
20 **2023.**

21  
22 **“EDUCATOR PROFESSIONAL DEVELOPMENT**

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24 **“SECTION 4. (1) The Teacher Standards and Practices Commission**  
25 **shall adopt rules that provide for the reduction or suspension of pro-**  
26 **fessional development requirements that a person must complete be-**  
27 **fore the person may renew a license, registration or certification**  
28 **issued by the commission.**

29 **“(2) The rules adopted under subsection (1) of this section must**  
30 **apply to persons who seek to renew a license, registration or certi-**

1 **fication at any time from January 1, 2022, until December 31, 2023.**

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3 **“STATEWIDE PORTAL FOR JOBS IN EDUCATION**

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

7 **“(a) Review the application process for persons seeking jobs in ed-**  
8 **ucation in this state, including licensed and classified staff; and**

9 **“(b) Evaluate options for establishing and maintaining a statewide**  
10 **portal that provides:**

11 **“(A) A single location for the posting of jobs in education in this**  
12 **state; and**

13 **“(B) The option for persons to submit a common application for**  
14 **jobs in education in this state.**

15 **“(2) For the purpose of subsection (1) of this section, the depart-**  
16 **ment and commission shall consult with school districts and education**  
17 **service districts.**

18 **“(3) The department and commission shall jointly report the**  
19 **department’s and commission’s findings under subsection (1) of this**  
20 **section to an interim committee of the Legislative Assembly related**  
21 **to education no later than September 1, 2023.**

22 **“SECTION 6. Section 5 of this 2022 Act is repealed on January 2,**  
23 **2024.**

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25 **“EXECUTIVE BRANCH TEACHERS**

26  
27 **“SECTION 7. Section 8 of this 2022 Act is added to and made a part**  
28 **of ORS 342.120 to 342.430.**

29 **“SECTION 8. (1) As used in this section, ‘state agency’ means an**  
30 **agency of the executive department, as defined in ORS 174.112.**

1       **“(2) In addition to and not in lieu of any other law or rule or**  
2 **standard established by the Teacher Standards and Practices Com-**  
3 **mission, the commission shall require a person who holds a current**  
4 **teaching or administrative license and who is an employee of a state**  
5 **agency to work as a substitute teacher in the schools of this state for**  
6 **at least five work days in a 12-month period.**

7       **“(3) Each state agency shall grant a leave of absence to any em-**  
8 **ployee of the state agency who holds a current teaching or adminis-**  
9 **trative license issued by the commission for the purpose of allowing**  
10 **the person to satisfy the requirements prescribed by subsection (2) of**  
11 **this section.**

12       **“(4) Leave granted under subsection (3) of this section may not re-**  
13 **sult in a loss of compensation, seniority, vacation time, sick leave or**  
14 **accrued overtime for which the employee is otherwise eligible. Com-**  
15 **penetration to an employee granted leave under this section shall be at**  
16 **the employee’s regular rate of pay for those regular work hours during**  
17 **which the employee is absent from work for the purpose of this sec-**  
18 **tion.**

19       **“(5) The Teacher Standards and Practices Commission may adopt**  
20 **any rules necessary for the implementation of this section.**

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22                   **“RECRUITMENT AND RETENTION GRANTS**

23  
24       **“SECTION 9. The State Board of Education shall adopt by rule re-**  
25 **quirements by which the Department of Education shall distribute**  
26 **grants to school districts and education service districts for the pur-**  
27 **poses of recruiting and retaining personnel in high-need specialties of**  
28 **education. The rules shall allow a school district or an education ser-**  
29 **vice district to make direct payments to personnel for the purpose of**  
30 **recruiting or retaining the personnel.**

1       **“SECTION 10. Notwithstanding any other law limiting expenditures,**  
2 **the amount of \$\_\_\_\_\_ is established for the biennium ending June 30,**  
3 **2023, as the maximum limit for payment of expenses by the Depart-**  
4 **ment of Education from the American Rescue Plan Act Coronavirus**  
5 **State Fiscal Recovery Fund moneys received by the Oregon Depart-**  
6 **ment of Administrative Services and transferred to the Department**  
7 **of Education to be used as provided by section 9 of this 2022 Act.**

8       **“SECTION 11. Section 9 of this 2022 Act is repealed on January 2,**  
9 **2024.**

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11       **“REIMBURSEMENT OF REQUIRED TRAINING COSTS INCURRED**  
12 **BY SUBSTITUTE TEACHERS AND INSTRUCTIONAL ASSISTANTS**

13  
14       **“SECTION 12. The State Board of Education shall adopt by rule**  
15 **requirements by which the Department of Education shall provide re-**  
16 **imbursements to substitute teachers and to instructional assistants**  
17 **for costs personally incurred by the teachers and assistants for re-**  
18 **quired training. The rules may allow for reimbursements to be made**  
19 **from the department:**

20       **“(1) Directly to the substitute teachers and instructional assistants;**  
21 **or**

22       **“(2) To a school district or education service district for distribution**  
23 **to the substitute teachers and instructional assistants, but in no event**  
24 **may a district retain any moneys distributed under this section.**

25       **“SECTION 13. Notwithstanding any other law limiting expenditures,**  
26 **the amount of \$\_\_\_\_\_ is established for the biennium ending June 30,**  
27 **2023, as the maximum limit for payment of expenses by the Depart-**  
28 **ment of Education from the American Rescue Plan Act Coronavirus**  
29 **State Fiscal Recovery Fund moneys received by the Oregon Depart-**  
30 **ment of Administrative Services and transferred to the Department**



1 of Education to be used as provided by section 12 of this 2022 Act.

2 **“SECTION 14. Section 12 of this 2022 Act is repealed on January 2,**  
3 **2024.**

4  
5 **“NONESENTIAL REPORTING REQUIREMENTS**

6  
7 **“SECTION 15. Notwithstanding any provision of law, the State**  
8 **Board of Education shall suspend for school districts and education**  
9 **service districts any reporting requirements that:**

10 **“(1) Are not required by federal law; and**

11 **“(2) Are not essential, as determined by the board.**

12 **“SECTION 16. Section 15 of this 2022 Act is repealed on June 30,**  
13 **2023.**

14  
15 **“LICENSING OR REGISTRATION ASSISTANCE**

16  
17 **“SECTION 17. ORS 342.125 is amended to read:**

18 **“342.125. (1) Teaching licenses shall be issued and renewed by the Teacher**  
19 **Standards and Practices Commission by the authority of the State of Oregon,**  
20 **subject to ORS 342.120 to 342.430 and the rules of the commission.**

21 **“(2) Notwithstanding any requirements prescribed for issuance of a li-**  
22 **cence, a person whose application for a license is pending may be employed**  
23 **in the public schools of this state for 90 calendar days after the date of**  
24 **submission of the application if:**

25 **“(a) The person is not ineligible for a license following background checks**  
26 **conducted by the Teacher Standards and Practices Commission, including a**  
27 **criminal records check as provided in ORS 181A.195 and a background check**  
28 **through an interstate clearinghouse of revoked and suspended licenses;**

29 **“(b) The school district has completed the review of the employment his-**  
30 **tory of the person as required by ORS 339.374;**

1       “(c) The person had not been employed as provided by this subsection  
2 during the previous 12 months with a pending application for the same li-  
3 cense; and

4       “(d) The person and the school district have complied with any other re-  
5 quirements established by the commission by rule.

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

8       “(a) Preliminary teaching license.

9       “(b) Professional teaching license.

10       “(c) Distinguished teacher leader license.

11       “(d) Preliminary personnel service license.

12       “(e) Professional personnel service license.

13       “(f) Preliminary administrative license.

14       “(g) Professional administrative license.

15       “(h) Reciprocal license.

16       “(i) Legacy license.

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

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

28       “(A) A description of the specific teaching or administrator position the  
29 applicant will fill;

30       “(B) A description of the background of the applicant that is relevant to

1 the teaching or administrator position, including any post-secondary educa-  
2 tion or other experience; and

3 “(C) Documentation as required by the commission for the purposes of  
4 conducting a criminal records check as provided in ORS 181A.195 and a  
5 background check through an interstate clearinghouse of revoked and sus-  
6 pended licenses.

7 “(b) Subject to the results of the criminal records check and background  
8 check and to information received under ORS 342.143 (2), the commission  
9 shall approve the application for registration. The commission may deny a  
10 request for registration only on the basis of the criminal records check, the  
11 background check through an interstate clearinghouse of revoked and sus-  
12 pended licenses or the information received under ORS 342.143 (2). The reg-  
13 istration is valid for a term established by the commission and, subject to  
14 information received under ORS 342.143 (2), may be renewed upon joint ap-  
15 plication from the teacher or administrator and the public charter school.

16 “(c) A registration as a public charter school teacher qualifies its holder  
17 to accept the teaching position described in the application in the public  
18 charter school that submitted the application with the holder of the regis-  
19 tration.

20 “(d) A registration as a public charter school administrator qualifies its  
21 holder to accept the administrator position described in the application in  
22 the public charter school that submitted the application with the holder of  
23 the registration.

24 “(6)(a) The Teacher Standards and Practices Commission shall adopt an  
25 expedited process for the issuance of any license established pursuant to this  
26 section. The expedited process may require the following:

27 “(A) The showing of an urgent situation; and

28 “(B) The joint request for the expedited process from the applicant for the  
29 license and:

30 “(i) The school district superintendent or school district board;

1 “(ii) The public charter school governing body; or

2 “(iii) The education service district superintendent or board of directors  
3 of the education service district.

4 “(b) Except as provided by paragraph (c) of this subsection, the commis-  
5 sion shall issue a license as provided by this subsection within two working  
6 days after receiving a completed application.

7 “(c) The commission may limit the number of applications the commission  
8 will accept under this subsection from a school district or an education ser-  
9 vice district to not more than 100 applications in a period of two working  
10 days.

11 “(d) For purposes of this subsection, the commission may not distinguish  
12 between a school district or an education service district involved in a labor  
13 dispute and any other school district or education service district.

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

17

18 **“EDUCATION WORKFORCE DATA SYSTEM**

19

20 **“SECTION 18. The Teacher Standards and Practices Commission,  
21 in partnership with the University of Oregon, shall establish a  
22 workforce data system for the purpose of gathering data on the needs  
23 of the education workforce serving students in kindergarten through  
24 grade 12.**

25 **“SECTION 19. Notwithstanding any other law limiting expenditures,  
26 the amount of \$\_\_\_\_\_ is established for the biennium ending June 30,  
27 2023, as the maximum limit for payment of expenses by the Teacher  
28 Standards and Practices Commission from the American Rescue Plan  
29 Act Coronavirus State Fiscal Recovery Fund moneys received by the  
30 Oregon Department of Administrative Services and transferred to the**

1 **Teacher Standards and Practices Commission to be used as provided**  
2 **by section 18 of this 2022 Act.**

3 **“SECTION 20. Section 18 of this 2022 Act is repealed on January 2,**  
4 **2024.**

5

6

**“TEACHER PREP TIME**

7

8 **“SECTION 21.** ORS 342.608 is amended to read:

9 “342.608. (1) School [*boards*] **districts** shall fix the working hours for  
10 full-time and part-time licensed [*staff members*] **personnel.**

11 **“(2)(a)** [*They shall direct that full-time staff members*] **Full-time licensed**  
12 **personnel shall** be provided a time for a **continuous** 30-minute  
13 [*continuous*] duty-free lunch period during the regularly scheduled lunch  
14 hours.

15 “[*2*] **(b)** Any school principal who fails to schedule a continuous  
16 30-minute duty-free lunch period in accordance with this [*section*] **subsection**  
17 shall be guilty of neglect of duty under ORS 342.865.

18 “[*3*] **(c)** [*No teacher shall*] **A teacher may not** by oral orders or written  
19 agreement fail to receive a 30-minute lunch period.

20 “[*4*] **(d)** School [*boards shall*] **districts may** not be required to employ  
21 special personnel to supervise students during lunch periods.

22 “[*5*] **(e)** This [*section*] **subsection** does not apply in school buildings  
23 where fewer than three teachers are employed.

24 **“(3)(a) All teachers must be provided prep time in compliance with**  
25 **this subsection.**

26 **“(b) A teacher may not be required to supervise students during the**  
27 **teacher’s prep time, but a teacher may agree to supervise students**  
28 **during the teacher’s prep time. If a teacher agrees to supervise stu-**  
29 **dents, the school district must pay the teacher an amount that:**

30 **“(A) Is in addition to the teacher’s regular pay; and**



1 **declared to exist, and this 2022 Act takes effect on its passage.”.**

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