

Enrolled House Bill 3383

Sponsored by Representatives NGUYEN H, EVANS, Senator GORSEK; Representatives BYNUM, CHAICHI, NELSON, NERON, RUIZ, Senators DEMBROW, FREDERICK, GELSER BLOUIN, JAMA, MANNING JR, WAGNER

CHAPTER

AN ACT

Relating to the membership of education boards; creating new provisions; amending ORS 243.862, 326.021, 342.360 and 342.940; and declaring an emergency.

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

SECTION 1. ORS 326.021 is amended to read:

326.021. (1) The State Board of Education shall consist of:

- (a) The State Treasurer, or the designee of the State Treasurer;
- (b) The Secretary of State, or the designee of the Secretary of State; and

(c) [*Seven*] **Nine** members, appointed by the Governor for a term of four years beginning July 1 of the year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. A person appointed under this paragraph may not be appointed to serve consecutively more than two full terms as a board member.

(2) In making appointments under subsection (1) of this section, the Governor shall select from residents of Oregon one member from each congressional district and [*two*] **three** members from the state at large. [*One appointed member from the state at large must*] **Of the members from the state at large:**

- (a) **One member must** be engaged in teaching as a licensed teacher in this state.
- (b) **One member must be engaged as a classified staff member in a public school or for an education service district in this state.**

(3) The Governor may remove appointed members of the State Board of Education for cause at any time after notice and public hearing.

(4) The State Treasurer and the Secretary of State, or the designee of the State Treasurer or Secretary of State, are nonvoting, ex officio members of the board.

SECTION 2. ORS 342.360 is amended to read:

342.360. (1) The membership of the Teacher Standards and Practices Commission shall consist of:

- (a) Four elementary teachers;
- (b) Four middle school or high school teachers;
- (c) One elementary school administrator;
- (d) One middle school or high school administrator;
- (e) One superintendent of a school district;
- (f) One superintendent of an education service district;

(g) One member from the faculty of an approved educator preparation provider within a private college or university in Oregon;

(h) One member from the faculty of an approved educator preparation provider within a public university listed in ORS 352.002;

(i) One member who is also a member of a district school board; *[and]*

(j) One member who is employed as classified staff at a public school or for an education service district; and

[(j)] **(k) [Two members] One member** of the general public.

(2) Except for those members appointed under subsection (1)(i) *[and (j)]* **to (k)** of this section, members must have been actively engaged in teaching, personnel service work or administering in the public schools or in approved educator preparation providers in Oregon for the period of five years immediately preceding appointment. Acting as an elected representative of teachers, personnel service workers or administrators shall be considered teaching, personnel service work or administering for the purposes of the five-year experience requirement. In addition, members appointed under subsection (1)(a) to (f) of this section must hold valid Oregon teaching, personnel service or administrative licenses.

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

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

SECTION 3. ORS 342.940 is amended to read:

342.940. (1) As used in this section and ORS 342.943, “educator” means a teacher, administrator or other school professional who is licensed, registered or certified by the Teacher Standards and Practices Commission.

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

(3) Parties to the intergovernmental agreement establishing the council must include:

- (a) The Department of Education;
- (b) The Early Learning Division;
- (c) The Teacher Standards and Practices Commission;
- (d) The Higher Education Coordinating Commission;
- (e) A school district; and
- (f) An education service district.

(4) The intergovernmental agreement establishing the council shall outline the governance framework and the administrative details necessary for the efficient and effective implementation of the duties of the council, including:

(a) Designating the maximum number of members of the council.

(b) Identifying the process for the council to select the chairperson of the council. The chairperson must be one of the members of the council and shall be responsible for overseeing official council business.

(c) Identifying the process for the council to appoint the executive director of the council. Appointment of the executive director must be by written order, filed with the Secretary of State, and the executive director shall serve at the pleasure of the council. The executive director shall be responsible for the daily operations of the council, including the appointment of all subordinate officers and employees of the council. Officers and employees of the council shall be considered persons in state service for purposes of ORS chapter 240, and, subject to ORS chapter 240, the executive director shall prescribe their duties and fix their compensation.

(5)(a) The council shall consist of:

(A) Members who are representatives of the parties to the intergovernmental agreement establishing the council, as identified in subsection (3) of this section.

(B) No more than 10 members who are practicing educators, **classified staff in a public school or for an education service district**, early learning providers and professionals and school district board members.

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

(b) Subject to any limits designated as provided by the intergovernmental agreement establishing the council, the majority of the members of the council identified under paragraph (a) of this subsection may propose additional members of the council. The inclusion of additional members on the council shall be subject to the procedures established by the council under the intergovernmental agreement.

(6) The council shall:

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

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

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

(d) Continuously assess the needs of educators in this state and coordinate priorities based on the moneys available for distribution from the Educator Advancement Fund.

(7) The Department of Education shall provide support to the strategic direction of the council by:

(a) Conducting and coordinating research to monitor:

(A) Teaching and learning conditions;

(B) Educator workforce supply and demand; and

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

(b) Assisting the council in coordinating and connecting educator networks, supporting professional learning priorities, enabling access to professional learning and supports, leveraging funding sources and managing innovation funds.

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

(d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

(e) Supporting a statewide plan for increasing:

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

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

(f) Identifying high-leverage educator practices to be developed by educators throughout their careers.

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

(A) Gives preference, when making recommendations about funding distributions, to entities that have demonstrated success in improving student indicators.

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

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

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

(h) Providing staff support for the administrative functions of the council.

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

(j) Providing technical assistance to the council, including online systems for sharing professional learning resources and supporting educator networks.

(k) Administering the distribution of grant and contract funds for programs described in this section.

(L) Providing administrative support to the educator networks, including:

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

(B) Providing technical assistance to educator networks; and

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

(8)(a) The State Board of Education and the Teacher Standards and Practices Commission may adopt any rules necessary at the request of the council to support the council or to perform any duties assigned to the board or commission under this section.

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

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

SECTION 4. ORS 243.862 is amended to read:

243.862. (1) There is established in the Oregon Health Authority an Oregon Educators Benefit Board consisting of at least 10 members appointed by the Governor, including:

(a) Two members representing district boards;

(b) Two members representing district management;

(c) Two members representing nonmanagement district employees from the largest labor organization representing district employees;

(d) One member representing nonmanagement district employees from the second largest labor organization representing district employees;

(e) One member representing nonmanagement district employees who are not represented by labor organizations described in paragraphs (c) and (d) of this subsection; *[and]*

(f) *[Two members]* **One member** with expertise in health policy or risk management*[,]*; **and**

(g) One member who is employed as classified staff at a public school or for an education service district.

(2)(a) If the governing body of a local government elects to participate in a benefit plan offered by the board, in addition to the members appointed under subsection (1) of this section, the Governor shall appoint two members, one of whom represents local government management and one of whom represents local government nonmanagement employees.

(b) After the appointment of members under paragraph (a) of this subsection, if the number of eligible employees of a local government or local governments enrolled in a benefit plan or plans offered by the board exceeds 25,000, the Governor shall appoint two additional members, one of whom represents local government management and one of whom represents local government nonmanagement employees.

(c) After the appointment of members under paragraphs (a) and (b) of this subsection, for every additional 25,000 eligible employees of a local government or local governments enrolled in a benefit plan or plans offered by the board, the Governor shall appoint one additional member representing local government management and one additional member representing local government nonmanagement employees.

(3) A maximum of three members may be appointed to represent local government management and a maximum of three members may be appointed to represent local government nonmanagement employees.

(4) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor to take office upon the date of that expiration. A member is eligible for reappointment. If there is

a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(5) A member of the board is not entitled to compensation, but may be reimbursed from funds available to the board for actual and necessary travel and other expenses incurred by the member in the performance of the member's official duties in the manner and amount provided in ORS 292.495.

(6) The board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(7) A majority of the members of the board constitutes a quorum for the transaction of business.

(8) The board shall meet at times and places specified by the call of the chairperson or of a majority of the members of the board.

(9) Appointments of members to the board by the Governor are subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

SECTION 5. The amendments to ORS 243.862, 326.021, 342.360 and 342.940 by sections 1 to 4 of this 2023 Act apply to vacancies in the board, commission or council that occur on or after the effective date of this 2023 Act.

SECTION 6. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House March 20, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 22, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State