

Senate Bill 524

Sponsored by Senator DEMBROW, Representative BYNUM; Senator FREDERICK, Representative DEXTER (Pre-session filed.)

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 **as introduced**.

Directs Oregon Criminal Justice Commission to convene advisory council to consider policy implications of identifying specific crimes for which conviction is disqualifying conviction for individuals seeking licensure or registration from Teacher Standards and Practices Commission or seeking employment or contract with school district. Requires Oregon Criminal Justice Commission to submit findings to interim committees of Legislative Assembly related to education and judiciary not later than September 15, 2024.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to disqualifying convictions for schools; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Disqualifying conviction” means a conviction for a crime for which an individual is**
6 **disqualified from:**

7 (A) **Being issued a teaching, personnel service or administrative license or a public**
8 **charter school registration under ORS 342.143; or**

9 (B) **Being eligible to be employed by, or enter into a contract with, a school district for**
10 **certain positions with the school district listed under ORS 326.603.**

11 (b) **“School district” has the meaning given that term in ORS 326.603.**

12 (2) **The Oregon Criminal Justice Commission shall convene an advisory council to con-**
13 **sider the policy implications of identifying specific crimes for which a conviction is a dis-**
14 **qualifying conviction.**

15 (3) **The chairperson of the commission shall appoint the members of the advisory council.**
16 **The advisory council may not consist of more than 20 members and must include at least the**
17 **following:**

18 (a) **One member representing the Teacher Standards and Practices Commission;**

19 (b) **One member representing the Department of Education;**

20 (c) **One member representing the Department of Justice;**

21 (d) **One member representing an organization for school administrators;**

22 (e) **One member representing an organization for school boards;**

23 (f) **One member representing an organization for school human resources professionals;**

24 (g) **One member representing an organization for licensed educators;**

25 (h) **One member representing an organization for classified school employees;**

26 (i) **One member representing an organization for parents of students;**

27 (j) **One member representing an organization for district attorneys;**

28 (k) **One member representing an organization for defense attorneys;**

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 (L) One member representing an organization that works with individuals who had been
2 incarcerated;

3 (m) One member who has experience working with students who have been in the juve-
4 nile justice system; and

5 (n) Two members who have been in the criminal justice system of this state.

6 (4) The advisory council shall review the list of crimes for which a conviction is a dis-
7 qualifying conviction and shall make recommendations for minimizing barriers to employ-
8 ment for individuals with prior criminal convictions while maintaining the safety of students.

9 (5) Recommendations the advisory council may consider and develop include any of the
10 following:

11 (a) Modifications to the list of crimes for which a conviction is a disqualifying conviction.

12 (b) Parameters for how long convictions of certain crimes operate as disqualifying con-
13 victions.

14 (c) Distinct lists for disqualifying convictions based on position, responsibility and access
15 to students.

16 (d) A waiver process that is available to a school district or an individual when the indi-
17 vidual has a conviction constituting a disqualifying conviction and that would allow:

18 (A) The school district to employ or enter into a contract with the individual; or

19 (B) The individual to become licensed or registered by the Teacher Standards and Prac-
20 tices Commission or to become employed by, or enter into a contract with, a school district.

21 (e) Standards for imposing discipline, revoking a license or registration, or removing
22 from employment or contract an individual when that individual receives a conviction that
23 is a disqualifying conviction and that individual already is licensed, registered, employed or
24 under contract. Standards may be different from standards imposed for individuals seeking
25 initial licensure, registration, employment or contract.

26 (f) Changes to the authority of the Teacher Standards and Practices Commission to
27 sanction individuals with a license or registration, if necessary to prevent other recommen-
28 dations described in this subsection from impacting the commission's ability to uphold the
29 standards of the profession and protect students.

30 (g) Changes to the background check or information sharing processes of the Depart-
31 ment of Education, if necessary to implement other recommendations described in this sub-
32 section.

33 (6) For the purpose of developing recommendations under subsection (5) of this section,
34 the advisory council shall consider the following:

35 (a) Standards for student safety;

36 (b) Licensing and hiring standards of other states for educators and school staff;

37 (c) Available data on recidivism rates and risk factors, including any correlation with age
38 at the time the offense was committed;

39 (d) Outcomes of stringent policies versus case-by-base licensing and hiring decisions;

40 (e) Current background check and candidate evaluation processes, and the capacity of the
41 Teacher Standards and Practices Commission, the Department of Education and school dis-
42 tricts to enact different processes;

43 (f) School district risk for changes in the process and ability to access insurance cover-
44 age based on any changes; and

45 (g) Ongoing changes to the criminal justice system, including the expungement process.

1 (7) The Oregon Criminal Justice Commission shall provide staff support to the advisory
2 council.

3 (8) The Oregon Criminal Justice Commission shall present recommendations developed
4 by the advisory council in a report to the interim committees of the Legislative Assembly
5 related to education and the judiciary in the manner provided under ORS 192.245 on or before
6 September 15, 2024.

7 SECTION 2. Section 1 of this 2023 Act is repealed on January 2, 2025.

8 SECTION 3. This 2023 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
10 on its passage.
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