

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO  
SENATE BILL 283**

1 In line 2 of the printed bill, after “workforce” insert “; creating new  
2 provisions; amending ORS 327.254, 329A.030, 332.505, 332.544, 334.225, 342.125,  
3 342.127 and 342.610; and declaring an emergency”.

4 Delete lines 4 through 9 and insert:  
5

6 **“WORKFORCE DATA**  
7

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

9 **“(a) ‘Education workforce’ means licensed and classified staff em-**  
10 **ployed by a public education provider.**

11 **“(b) ‘Public education provider’ means:**

12 **“(A) A school district;**

13 **“(B) A public charter school;**

14 **“(C) An education service district;**

15 **“(D) A long term care or treatment facility, as described in ORS**  
16 **343.961;**

17 **“(E) The Youth Corrections Education Program;**

18 **“(F) The Juvenile Detention Education Program; or**

19 **“(G) The Oregon School for the Deaf.**

20 **“(2) The Department of Education shall establish and maintain a**  
21 **statewide data system on the education workforce in this state. The**

1 **State Board of Education may adopt by rule any standards necessary**  
2 **for the establishment and maintenance of the statewide data system.**

3 **“(3) As part of the statewide data system, the department shall as-**  
4 **sign unique identifiers to each individual who is a member of the ed-**  
5 **ucation workforce. The identifier may not use any personally**  
6 **identifiable information, except for alignment purposes in data pro-**  
7 **cessing. Any personally identifiable information that is collected must**  
8 **be linked in a secure data location so that data sets can be matched**  
9 **based on the personally identifiable information when the identifier is**  
10 **included.**

11 **“(4) The department shall ensure that the statewide data system**  
12 **may be used to:**

13 **“(a) Identify school district hiring needs by content area and ge-**  
14 **ographic location;**

15 **“(b) Provide information, by content area, about graduates of edu-**  
16 **cator preparation programs and persons who complete nontraditional**  
17 **pathways to licensure;**

18 **“(c) Identify educator mobility, attrition and retention patterns;**

19 **“(d) Determine educator longevity and possible factors that affect**  
20 **longevity;**

21 **“(e) Evaluate school climate and culture from the educator’s per-**  
22 **spective based on the surveys administered as provided by section 2**  
23 **of this 2023 Act;**

24 **“(f) Evaluate pay in relation to local economic data from the most**  
25 **recent American Community Survey from the United States Census**  
26 **Bureau; and**

27 **“(g) Study education workforce trends and needs in this state in a**  
28 **manner that:**

29 **“(A) Includes a review of:**

30 **“(i) The satisfaction of persons who complete educator preparation**

1 **programs in this state;**

2 **“(ii) Employer satisfaction with the availability and skills of the**  
3 **education workforce in this state; and**

4 **“(iii) Hiring and retention trends of the education workforce in this**  
5 **state; and**

6 **“(B) Is sortable by school district, geographic location, school,**  
7 **grade level, teacher characteristics and educator preparation program**  
8 **of this state.**

9 **“(5) To the greatest extent practicable, the department shall:**

10 **“(a) Ensure that the collection of data under this section aligns**  
11 **with the collection of data under ORS 342.443; and**

12 **“(b) Reduces redundancies by incorporating any other relevant data**  
13 **processes or procedures.**

14 **“(6) The department shall make the information described in sub-**  
15 **section (4) of this section available to the public through a visually**  
16 **appealing interactive data visualization tool that is accessible on the**  
17 **department’s website home page.**

18 **“(7) For the purpose of this section, each public education provider,**  
19 **the Teacher Standards and Practices Commission, the Educator Ad-**  
20 **vancement Council, the Higher Education Coordinating Commission**  
21 **and the public universities listed in ORS 352.002 shall collect informa-**  
22 **tion as required for the statewide data system.**

23 **“(8) For the purpose of ensuring the data collection requirements**  
24 **of this section are met and the purpose of studying the education**  
25 **workforce, as described in subsection (4)(g) of this section, the de-**  
26 **partment shall convene a steering committee. The steering committee**  
27 **shall consist of:**

28 **“(a) One representative from each educator preparation program in**  
29 **this state;**

30 **“(b) One representative from the department;**

1       “(c) One representative from the Teacher Standards and Practices  
2 Commission;

3       “(d) One representative from the Educator Advancement Council;

4       “(e) One representative from the Higher Education Coordinating  
5 Commission;

6       “(f) One representative from a statewide organization that prima-  
7 rily represents licensed staff of the education workforce;

8       “(g) One representative from a statewide organization that prima-  
9 rily represents classified staff of the education workforce;

10       “(h) One representative from a statewide organization that repres-  
11 ents school administrators; and

12       “(i) One representative from a statewide organization that repres-  
13 ents school boards.

14       “(9) The department may enter into a contract or a partnership  
15 with any public or private entity, including the federal government,  
16 for the purpose of this section.

17       “SECTION 2. (1) As used in this section, ‘education workforce’ and  
18 ‘public education provider’ have the meanings given those terms in  
19 section 1 of this 2023 Act.

20       “(2) Each public education provider shall ensure that each member  
21 of the educator workforce of the public education provider participates  
22 in the following surveys:

23       “(a) A survey administered by the Department of Education that is  
24 designed to assist in the gathering of information about the working  
25 experiences of the educator workforce of this state, including the ex-  
26 perience in the school district and in individual schools; and

27       “(b) An exit survey for each member of the education workforce  
28 leaving employment with the public education provider.

29       “(3) The State Board of Education, in collaboration with the Edu-  
30 cator Advancement Council, shall adopt by rule the standards for the

1 surveys administered under this section.

2 “(4) The department shall annually review the surveys identified in  
3 subsection (2) of this section and:

4 “(a) Use the information for purposes of section 1 of this 2023 Act;

5 “(b) Make the information available to school district boards, ad-  
6 ministrators of school districts and administrators of schools in a  
7 manner that allows for the accessibility of the information:

8 “(A) On a district level and a school level; and

9 “(B) Through the interactive data visualization tool described in  
10 section 1 (6) of this 2023 Act; and

11 “(c) Report annually on educator workforce satisfaction to the in-  
12 terim committees of the Legislative Assembly related to education.

13 “(5) The department may enter into a contract or a partnership  
14 with any public or private entity, including the federal government,  
15 for the purpose of this section.

16

17 **“SPECIAL EDUCATION EDUCATORS AND EMPLOYEES**

18

19 **“SECTION 3. (1) As used in this section:**

20 “(a) ‘Classified school employee’ includes all employees of a school  
21 district except those for whom a teaching or administrative license is  
22 required as a basis for employment in a school district.

23 “(b) ‘Individualized education program’ has the meaning given that  
24 term in ORS 343.035.

25 “(c) ‘Licensed educator’ means a teacher, administrator or other  
26 school professional who is licensed, registered or certified by the  
27 Teacher Standards and Practices Commission.

28 “(d) ‘Salary’ has the meaning given that term in ORS 653.010.

29 “(e) ‘School district’ means:

30 “(A) A common school district or a union high school district.

1       **“(B) An education service district.**

2       **“(2) For each licensed educator or classified school employee who**  
3 **provides significant special education support, as determined under**  
4 **subsection (3) of this section, the school district shall pay:**

5       **“(a) For a licensed educator or a classified school employee who**  
6 **receives a salary, an additional 20 percent of the salary, rounded to the**  
7 **nearest dollar; or**

8       **“(b) For a licensed educator or a classified school employee who is**  
9 **paid an hourly wage, an additional 20 percent of the hourly wage**  
10 **rounded to the nearest dollar.**

11       **“(3) For purposes of this section, a licensed educator or a classified**  
12 **school employee provides significant special education support if 75**  
13 **percent or more of the licensed educator’s or classified school**  
14 **employee’s work hours, as determined based on each pay period, is**  
15 **used to directly teach or support students who have an individualized**  
16 **education program.**

17       **“(4) All salary and wage increases specified in subsection (2) of this**  
18 **section are exclusive of health benefits and other benefits the school**  
19 **district provides to licensed educators or classified school employees**  
20 **or that are otherwise required under the laws of this state.**

21       **“SECTION 4. Section 3 of this 2023 Act applies to contracts of em-**  
22 **ployment into which a school district enters, or that the school district**  
23 **renews, with a licensed educator or a classified school employee on or**  
24 **after the effective date of this 2023 Act and to contracts of employment**  
25 **between a school district and a licensed educator or a classified school**  
26 **employee that are in effect on or after the effective date of this 2023**  
27 **Act.**

28       **“SECTION 5. (1) As used in this section:**

29       **“(a) ‘Classified school employee’ includes all employees of a school**  
30 **district except those for whom a teaching or administrative license is**

1 required as a basis for employment in a school district.

2 “(b) ‘School district’ means:

3 “(A) A common school district or a union high school district.

4 “(B) An education service district.

5 “(2) Except as provided in subsection (3) of this section, a school  
6 district that employs classified school employees may not establish, for  
7 any purpose, a policy that requires the work day hours of a classified  
8 school employee to be fewer than five hours per work day on regular  
9 school days when schools are normally in operation and students are  
10 present.

11 “(3)(a) A school district may reduce the work day hours of a clas-  
12 sified school employee to fewer than five hours per work day, if the  
13 reduction in hours is at the written request of the employee.

14 “(b) A school district may not coerce or require, as a condition of  
15 employment or continuation of employment, a classified school em-  
16 ployee to make a request for a reduction in work day hours.

17

18 “WORKING CONDITIONS

19

20 “**SECTION 6.** ORS 332.544 is amended to read:

21 “332.544. (1) As used in this section, ‘classified school employee’ includes  
22 all employees of a [*public*] school district except those for whom a teaching  
23 or administrative license is required as a basis for employment in a [*public*]  
24 school district.

25 “[*(2) A classified school employee who has been demoted or dismissed shall*  
26 *be entitled to a hearing before the school board if a written request is filed*  
27 *with the board within 15 days of the dismissal or demotion.*”]

28 “(2) A classified school employee shall have the right to be dis-  
29 missed, demoted or disciplined only for just cause.

30 “(3) School district employees subject to the civil service provisions of

1 ORS [*chapter 242*] **242.310 to 242.640** are exempt from the provisions of this  
2 section.

3 **“SECTION 7. Section 8 of this 2023 Act is added to and made a part**  
4 **of ORS chapter 334.**

5 **“SECTION 8. (1) As used in this section, ‘classified school**  
6 **employee’ includes all employees of an education service district ex-**  
7 **cept those for whom a teaching or administrative license is required**  
8 **as a basis for employment in an education service district.**

9 **“(2) A classified school employee shall have the right to be dis-**  
10 **missed, demoted or disciplined only for just cause.**

11

12 **“SUBSTITUTE TEACHERS**

13

14 **“SECTION 9.** ORS 342.610 is amended to read:

15 **“342.610. (1)(a) [*Teachers employed as substitute teachers shall not*] A**  
16 **teacher employed as a substitute teacher may not** be paid less per day  
17 than 85 percent of 1/190th of the **statewide average** salary of a beginning  
18 teacher who holds a bachelor’s degree. [*The salary of the substitute teacher*  
19 *shall be computed as required in this subsection based on the statewide aver-*  
20 *age salary for beginning teachers who hold bachelor’s degrees.*]

21 **“(b) The Department of Education shall compute the statewide average**  
22 **salary of a beginning teacher who holds a bachelor’s degree** to be used  
23 for purposes of this subsection[,] **by:**

24 **“(A) Using the latest data available to the department[, *but not*]; and**

25 **“(B) Not using** data from earlier than the preceding school year.

26 **“(2) [*The*] A school district shall set the working hours for a substitute**  
27 **teacher[,] and, when [*employed,*] a teacher is employed as a substitute**  
28 **teacher for the school district, the school district shall pay the substi-**  
29 **tute teacher a salary that is:**

30 **(a) No less than one-half of the daily minimum salary computed under**



1 subsection (1) of this section[. *However, if the substitute teacher is employed*  
2 *for more than one-half day, the substitute teacher shall receive a full day's*  
3 *pay.*] **if the teacher is employed as a substitute teacher for less than**  
4 **one-half day; or**

5 **“(b) No less than the daily minimum salary computed under sub-**  
6 **section (1) of this section if the teacher is employed as a substitute**  
7 **teacher for one-half day or more.**

8 “(3)(a) Notwithstanding subsection (1) of this section, [*teachers employed*  
9 *as substitute teachers*] **a teacher employed as a substitute teacher** for  
10 more than 10 consecutive days in any one assignment for the same teacher  
11 shall not be paid after the 10th day of the assignment less per day than:

12 **“(A) For districts with no salary scale,** 100 percent of 1/190th of the  
13 statewide average salary computed in subsection (1) of this section [*for dis-*  
14 *tricts with no salary scale; or,*]; **or**

15 **“(B) For districts with a salary scale, the higher of:**

16 **“[(A)] (i)** 1/190th of the employing school district’s salary for a beginning  
17 teacher who holds a bachelor’s degree; or

18 **“[(B)] (ii)** The daily minimum salary computed under subsection (1) of this  
19 section.

20 “(b) Used sick leave, whether paid or unpaid, and weekends, school holi-  
21 days and days when schools are closed by weather or other conditions and  
22 when substitute teachers are not required to appear in person at the school  
23 [*shall*] **may** not be considered in determining consecutive days for purposes  
24 of this subsection.

25 “(c) When substituting for a part-time teacher, the part of the day worked  
26 by the substitute **teacher** shall count as a full day in determining consec-  
27 utive days for purposes of this subsection.

28 “(4) Notwithstanding subsections (1) and (3) of this section, if a school  
29 district has a class schedule based on a four-day week:

30 “(a) The daily minimum salary computed under subsection (1) or (3) of

1 this section must be multiplied by 1.125; and

2 “(b) Calculations described in subsection (3) of this section must be made  
3 after a teacher has been employed as a substitute teacher for more than eight  
4 consecutive days in any one assignment for the same teacher.

5 **“(5) A teacher employed by a school district as a substitute teacher  
6 shall be paid for any training that is required for that teacher to apply  
7 for or be assigned to a substitute teaching assignment.**

8 “[5] (6) This section does not apply to substitute teachers represented  
9 in a bargaining unit in the school district by which they are employed.

10 **“SECTION 10. The amendments to ORS 342.610 by section 9 of this  
11 2023 Act first apply to the 2023-2024 school year.**

12 **“SECTION 11. Section 12 of this 2023 Act is added to and made a  
13 part of ORS chapter 342.**

14 **“SECTION 12. (1) As used in this section:**

15 **“(a) ‘Substitute teacher’ has the meaning given that term in ORS  
16 342.815.**

17 **“(b) ‘Third-party employment service provider’ means a program  
18 or entity that facilitates the employment by an employer or employee  
19 by providing services that may include recruitment, payroll, employee  
20 relations or other human resources services.**

21 **“(2) A teacher may provide the services of a substitute teacher only  
22 under a written contract for employment entered into with a school  
23 district, an education service district or a public charter school. A  
24 teacher who provides services as a substitute teacher shall be consid-  
25 ered an employee of the school district, education service district or  
26 public charter school with which the teacher is under contract. Noth-  
27 ing in this subsection prohibits a teacher under contract with an ed-  
28 ucation service district from providing the services of a substitute  
29 teacher to the component school districts of the education service  
30 district.**

1       **“(3) A school district, an education service district or a public**  
2 **charter school may not enter into a contract with a third-party em-**  
3 **ployment service provider to employ a teacher as a substitute teacher.**

4       **“(4) A substitute teacher who is employed by a school district, an**  
5 **education service district or a public charter school in a qualifying**  
6 **position, as defined in ORS 238.005 or 238A.005, shall be eligible for re-**  
7 **irement benefits for purposes of public employees’ retirement laws.**

8       **“(5) The Public Employees’ Benefit Board and the Oregon Educators**  
9 **Benefit Board shall provide, by rule, for payment of insurance premi-**  
10 **ums for health benefit plans for persons employed as a substitute**  
11 **teacher on more than a half-time basis, in total, by multiple employers**  
12 **that may be any combination of school districts, education service**  
13 **districts and public charter schools.**

14       **“SECTION 13. Section 12 of this 2023 Act becomes operative on July**  
15 **1, 2024.**

16  
17                                   **“STUDY ON MINIMUM SALARIES**

18  
19       **“SECTION 14. (1) The Department of Education shall conduct a**  
20 **study and develop a plan for the purpose of implementing, no later**  
21 **than August 1, 2025, a statewide minimum salary schedule for the ed-**  
22 **ucation workforce of this state.**

23       **“(2) When performing the duties under subsection (1) of this sec-**  
24 **tion, the department shall address:**

25           **“(a) Compliance with collective bargaining agreements;**

26           **“(b) Regional economic factors, such as cost of living; and**

27           **“(c) Alignment with the regions specified in ORS 653.025.**

28       **“(3) The department shall submit a report in the manner provided**  
29 **by ORS 192.245, and may include recommendations for legislation, to**  
30 **the interim committees of the Legislative Assembly related to educa-**

1 tion no later than December 31, 2023.

2 **“SECTION 15.** Section 14 of this 2023 Act is repealed on January 2,  
3 2024.

4  
5 **“STUDY ON STUDENT TEACHER PAY**

6  
7 **“SECTION 16.** (1) The Educator Advancement Council shall conduct  
8 a study on pay for student teachers.

9 **“(2)** The council shall submit a report in the manner provided by  
10 ORS 192.245, and may include recommendations for legislation, to the  
11 interim committees of the Legislative Assembly related to education  
12 no later than September 15, 2024.

13 **“SECTION 17.** Section 16 of this 2023 Act is repealed on January 2,  
14 2025.

15  
16 **“TASK FORCE ON SALARY SCHEDULES**

17  
18 **“SECTION 18.** (1) The Task Force on Statewide Educator Salary  
19 Schedules is established.

20 **“(2)** The task force consists of 10 members appointed as follows:

21 **“(a)** The President of the Senate shall appoint one member who is  
22 the chairperson of the Senate interim committee of the Legislative  
23 Assembly related to education.

24 **“(b)** The Speaker of the House of Representatives shall appoint one  
25 member who is the chairperson of the House interim committee of the  
26 Legislative Assembly related to education.

27 **“(c)** The President of the Senate and the Speaker of the House of  
28 Representatives shall jointly appoint the following eight members:

29 **“(A)** A member who is a representative of a confederation that re-  
30 presents school administrators;

1       **“(B) A member who is a representative of an association that re-**  
2 **presents school boards;**

3       **“(C) A member who is a representative of an association that pri-**  
4 **marily represents licensed educators;**

5       **“(D) A member who is a representative of an association that pri-**  
6 **marily represents classified educator staff;**

7       **“(E) Two members who are parents of students in the public schools**  
8 **of this state; and**

9       **“(F) Two members who are students in the public schools of this**  
10 **state.**

11       **“(3) The task force shall propose a statewide salary schedule for**  
12 **educators in this state.**

13       **“(4) A majority of the members of the task force constitutes a**  
14 **quorum for the transaction of business.**

15       **“(5) Official action by the task force requires the approval of a**  
16 **majority of the members of the task force.**

17       **“(6) The members of the task force who are members of the Legis-**  
18 **lative Assembly shall serve as cochairpersons.**

19       **“(7) If there is a vacancy for any cause, the appointing authority**  
20 **shall make an appointment to become immediately effective.**

21       **“(8) The task force shall meet at times and places specified by the**  
22 **call of the cochairpersons or of a majority of the voting members of**  
23 **the task force.**

24       **“(9) The task force may adopt rules necessary for the operation of**  
25 **the task force.**

26       **“(10) The task force shall submit a report in the manner provided**  
27 **by ORS 192.245, and may include recommendations for legislation, to**  
28 **the interim committees of the Legislative Assembly related to educa-**  
29 **tion no later than September 15, 2024.**

30       **“(11) The Legislative Policy and Research Director shall provide**

1 **staff support to the task force.**

2 **“(12) Members of the task force who are not members of the Leg-**  
3 **islative Assembly are not entitled to compensation or reimbursement**  
4 **for expenses and serve as volunteers on the task force.**

5 **“(13) All agencies of state government, as defined in ORS 174.111,**  
6 **are directed to assist the task force in the performance of the duties**  
7 **of the task force and, to the extent permitted by laws relating to**  
8 **confidentiality, to furnish information and advice the members of the**  
9 **task force consider necessary to perform their duties.**

10 **“SECTION 19. Section 18 of this 2023 Act is repealed on December**  
11 **31, 2024.**

12

13 **“APPRENTICESHIP AND MENTORSHIP GRANTS**

14

15 **“SECTION 20. ORS 327.254 is amended to read:**

16 **“327.254. (1) The Department of Education shall use moneys in the State-**  
17 **wide Education Initiatives Account to provide funding for statewide educa-**  
18 **tion initiatives, including:**

19 **“(a) Funding the High School Graduation and College and Career Read-**  
20 **iness Act at the levels prescribed by ORS 327.856;**

21 **“(b) Expanding school breakfast and lunch programs;**

22 **“(c) Operating youth reengagement programs or providing youth reen-**  
23 **gagement services;**

24 **“(d) Establishing and maintaining the Statewide School Safety and Pre-**  
25 **vention System under ORS 339.341;**

26 **“(e) Developing and providing statewide equity initiatives, including the**  
27 **Black or African-American education plan developed under ORS 329.841, the**  
28 **American Indian or Alaska Native education plan developed under ORS**  
29 **329.843, the Latino or Hispanic education plan developed under ORS 329.845**  
30 **or any similar education plan identified by the department;**

1 “(f) Providing summer learning programs at schools that are considered  
2 high poverty under Title I of the federal Elementary and Secondary Educa-  
3 tion Act of 1965;

4 “(g) Funding early warning systems to assist students in graduating from  
5 high school, as described in ORS 327.367;

6 “(h) Developing and implementing professional development programs and  
7 training programs, including programs that increase educator diversity and  
8 retain diverse educators;

9 “(i) Planning for increased transparency and accountability in the public  
10 education system of this state;

11 “(j) Providing additional funding to school districts participating in the  
12 intensive program under ORS 327.222;

13 “(k) Providing technical assistance, including costs incurred for:

14 “(A) The coaching program described in ORS 327.214; and

15 “(B) The intensive program described in ORS 327.222, including costs for  
16 student success teams;

17 “(L) Funding public charter schools, as described in ORS 327.362;

18 “(m) Funding education service districts, as described in subsection (2)  
19 of this section; *and*

20 “(n) **Funding educator apprenticeships and mentorships, as de-**  
21 **scribed in subsection (3) of this section; and**

22 “[*n*] (o) Funding costs incurred by the department in implementing this  
23 section and ORS 327.175 to 327.235 and 327.274.

24 “(2)(a) The amount of a distribution to an education service district under  
25 this section shall be made as provided by paragraph (b) of this subsection  
26 after calculating the following for each education service district:

27 “(A) One percent of the total amount available for distribution to educa-  
28 tion service districts in each biennium.

29 “(B) The education service district’s  $ADM_w \times$  (the total amount avail-  
30 able for distribution to education service districts in each biennium  $\div$  the

1 total ADMw of all education service districts that receive a distribution).

2 “(b) The amount of the distribution to an education service district shall  
3 be the greater of the amounts calculated under paragraph (a) of this sub-  
4 section, except that, for distributions made as provided by paragraph (a)(B)  
5 of this subsection, the total amount available for distribution to education  
6 service districts shall be the amount remaining after any distributions re-  
7 quired under paragraph (a)(A) of this subsection have been made.

8 “(c) For purposes of this subsection, ADMw equals the ADMw as calcu-  
9 lated under ORS 327.013, except that the additional amount allowed for stu-  
10 dents who are in poverty families, as determined under ORS 327.013  
11 (1)(c)(A)(v)(I), shall be 0.5.

12 “(d) An education service district shall use moneys received under this  
13 section as provided by a plan developed by the school districts located within  
14 the education service district. A school district that declines to participate  
15 in the development of the plan or that has withdrawn from an education  
16 service district as provided by ORS 334.015 is not entitled to any moneys  
17 distributed to the education service district under this subsection.

18 “(e) A plan developed under this subsection must:

19 “(A) Align with and support school districts in meeting the performance  
20 growth targets of the school districts developing the plan;

21 “(B) Include the provision of technical assistance to school districts in  
22 developing, implementing and reviewing a plan for receiving a grant from the  
23 Student Investment Account;

24 “(C) Provide for coordination with the department in administering and  
25 providing technical assistance to school districts, including coordinating any  
26 coaching programs established under ORS 327.214; and

27 “(D) Be adopted and amended as provided for local service plans under  
28 ORS 334.175 and approved by the department.

29 “(f) Each education service district must submit an annual report to the  
30 department that:



1 “(A) Describes how the education service district spent moneys received  
2 under this subsection; and

3 “(B) Includes an evaluation of the education service district’s compliance  
4 with the plan from the superintendent of each school district that partic-  
5 ipated in the development of the plan.

6 “(3) After amounts have been distributed to education service dis-  
7 tricts, as provided by subsection (2) of this section, and before  
8 amounts have been distributed for other purposes allowed under sub-  
9 section (1) of this section, the Department of Education shall distrib-  
10 ute 25 percent of the amount in the Statewide Education Initiatives  
11 Account as follows:

12 “(a) Fifty percent to registered apprenticeship programs for educa-  
13 tors; and

14 “(b) Fifty percent to the beginning teacher and administrator  
15 mentorship program established as provided by ORS 329.795.

16 “[3] (4) The State Board of Education shall adopt rules necessary for the  
17 distribution of moneys under this section.

18

19 **“PUBLIC RELATIONS CAMPAIGN**

20

21 **“SECTION 21. The Department of Education shall develop and exe-  
22 cute a public relations campaign to promote public education pro-  
23 fessions in this state.**

24 **“SECTION 22. Section 21 of this 2023 Act is repealed on June 30,  
25 2025.**

26

27 **“TEACHER LICENSURE**

28

29 **“SECTION 23. ORS 342.125 is amended to read:**

30 **“342.125. (1) Teaching licenses shall be issued and renewed by the Teacher**

1 Standards and Practices Commission by the authority of the State of Oregon,  
2 subject to ORS 342.120 to 342.430 and the rules of the commission.

3 “(2) Notwithstanding any requirements prescribed for issuance of a li-  
4 cense, a person whose application for a license is pending may be employed  
5 in the public schools of this state for 90 calendar days after the date of  
6 submission of the application if:

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

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

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

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

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

20 “(a) Preliminary teaching license.

21 “(b) Professional teaching license.

22 “(c) Distinguished teacher leader license.

23 “(d) Preliminary personnel service license.

24 “(e) Professional personnel service license.

25 “(f) Preliminary administrative license.

26 “(g) Professional administrative license.

27 “(h) Reciprocal license.

28 “(i) Legacy license.

29 “(4) The Teacher Standards and Practices Commission may establish other  
30 types of teaching licenses as the commission considers necessary for opera-

1 tion of the public schools of the state and may prescribe the qualifications  
2 for the licenses. However, no license established under the authority of this  
3 subsection is required for a regular classroom teaching position in the public  
4 schools.

5 **“(5) Notwithstanding 342.127, any person who has held a teaching**  
6 **license identified in subsection (3) of this section or established as**  
7 **provided by subsection (4) of this section may, within three years of**  
8 **retirement and without payment of any fees, convert the teaching li-**  
9 **cence into a substitute teaching license.**

10 “[5(a)] (6)(a) The Teacher Standards and Practices Commission shall  
11 establish a public charter school teacher and administrator registry. The  
12 commission shall require the applicant and the public charter school to  
13 jointly submit an application requesting registration as a public charter  
14 school teacher or administrator. The application shall include:

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

17 “(B) A description of the background of the applicant that is relevant to  
18 the teaching or administrator position, including any post-secondary educa-  
19 tion or other experience; and

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

24 “(b) Subject to the results of the criminal records check and background  
25 check and to information received under ORS 342.143 (2), the commission  
26 shall approve the application for registration. The commission may deny a  
27 request for registration only on the basis of the criminal records check, the  
28 background check through an interstate clearinghouse of revoked and sus-  
29 pended licenses or the information received under ORS 342.143 (2). The reg-  
30 istration is valid for a term established by the commission and, subject to

1 information received under ORS 342.143 (2), may be renewed upon joint ap-  
2 plication from the teacher or administrator and the public charter school.

3 “(c) A registration as a public charter school teacher qualifies its holder  
4 to accept the teaching position described in the application in the public  
5 charter school that submitted the application with the holder of the regis-  
6 tration.

7 “(d) A registration as a public charter school administrator qualifies its  
8 holder to accept the administrator position described in the application in  
9 the public charter school that submitted the application with the holder of  
10 the registration.

11 “[~~(6)(a)~~] **(7)(a)** The Teacher Standards and Practices Commission shall  
12 adopt an expedited process for the issuance of any license established pur-  
13 suant to this section. The expedited process may require the following:

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

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

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

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

19 “(iii) The education service district superintendent or board of directors  
20 of the education service district.

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

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

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

1       **“SECTION 24.** ORS 342.127 is amended to read:

2       “342.127. (1) The Teacher Standards and Practices Commission shall es-  
3       tablish and collect:

4       “(a) A fee not to exceed \$350 for evaluation of the initial application for  
5       each educator license for which application is made. If the applicant is eli-  
6       gible for the educator license for which application is made, the commission  
7       shall issue the license without additional charge.

8       “(b) A fee not to exceed \$350 for the renewal of each educator license and  
9       a fee not to exceed \$50 for each official paper license. If the educator is  
10      certified by a national professional organization for teaching standards re-  
11      cognized by the commission, the commission shall renew the license without  
12      charge.

13      “(c) A fee not to exceed \$800 for a beginning educator assessment con-  
14      ducted in lieu of an approved preparation program required for licensure.

15      “(d) A fee not to exceed \$350 for registration as a public charter school  
16      teacher or administrator that includes any fee charged pursuant to rules  
17      adopted under ORS 181A.195.

18      “(e) A fee not to exceed \$350 for renewal of a registration as a public  
19      charter school teacher or administrator that includes any fee charged pur-  
20      suant to rules adopted under ORS 181A.195.

21      “(2) In addition to the fee required by subsection (1) of this section for  
22      the issuance of an educator license, the commission shall collect a fee not  
23      to exceed \$150 for the evaluation of an applicant requesting licensing based  
24      upon completion of an educator preparation program other than an Oregon  
25      approved educator preparation program.

26      “(3) In addition to the fees required by subsection (1) of this section, the  
27      commission shall collect a late application fee not to exceed \$40 per month  
28      up to a maximum of \$200 from an applicant who fails to make timely appli-  
29      cation for renewal of the license or registration. The actual amount of the  
30      fee shall be determined in accordance with rules of the commission.

1 “(4) In addition to the fees required by subsection (1) of this section, the  
2 commission shall collect a late application fee not to exceed \$350 for the  
3 reinstatement of an expired license. The requirements for reinstatement and  
4 the actual amount of the fee shall be determined in accordance with rules  
5 of the commission.

6 “(5) Notwithstanding the expiration date posted on the license, the license  
7 shall continue to be valid for an additional 120 days, provided the educator  
8 has made a timely application, as determined by the commission, for renewal  
9 prior to the expiration date on the license.

10 “(6) In addition to the fee required by subsection (1) of this section for  
11 the issuance of an educator license, the commission shall collect a fee not  
12 to exceed \$1,000 for the reinstatement of a license that has been suspended  
13 or revoked by the commission for gross neglect of duty or gross unfitness  
14 under ORS 342.175.

15 “(7) In addition to the fee required by subsection (1) of this section for  
16 the issuance of an educator license, the commission shall collect a fee not  
17 to exceed \$200 for the issuance of any license through an expedited process  
18 under ORS 342.125 [(6)] (7) at the request of any school district, public  
19 charter school or education service district that seeks to employ the appli-  
20 cant. The fee shall be paid by the school district, public charter school or  
21 education service district.

22 “(8)(a) The commission shall establish and collect:

23 “(A) A fee for each approved educator preparation provider, based on the  
24 number of license applications received by the commission from the provider;  
25 and

26 “(B) A fee for each approved educator preparation provider, based on the  
27 type of educator preparation programs that the provider offers.

28 “(b) Notwithstanding paragraph (a) of this subsection, the commission  
29 may establish and collect a flat fee for the purposes described in paragraph  
30 (a) of this subsection if the number of teacher applicants enrolled in the

1 educator preparation programs offered by the educator preparation provider  
2 does not exceed a number identified by the commission by rule.

3 “(c) The method for determining the fee and the actual amount of the fee  
4 imposed under this subsection shall be determined in accordance with rules  
5 of the commission.

6 “(9) Fees established under this section shall cover, but not exceed, the  
7 full cost of administrative expenses incurred by the commission during any  
8 biennium.

9 **“SECTION 25.** ORS 342.127, as amended by section 4, chapter 647, Oregon  
10 Laws 2021, is amended to read:

11 “342.127. (1) The Teacher Standards and Practices Commission shall es-  
12 tablish and collect:

13 “(a) A fee not to exceed \$350 for evaluation of the initial application for  
14 each educator license for which application is made. If the applicant is eli-  
15 gible for the educator license for which application is made, the commission  
16 shall issue the license without additional charge.

17 “(b) A fee not to exceed \$350 for the renewal of each educator license and  
18 a fee not to exceed \$50 for each official paper license. If the educator is  
19 certified by a national professional organization for teaching standards re-  
20 cognized by the commission, the commission shall renew the license without  
21 charge.

22 “(c) A fee not to exceed \$800 for a beginning educator assessment con-  
23 ducted in lieu of an approved preparation program required for licensure.

24 “(d) A fee not to exceed \$350 for registration as a public charter school  
25 teacher or administrator that includes any fee charged pursuant to rules  
26 adopted under ORS 181A.195.

27 “(e) A fee not to exceed \$350 for renewal of a registration as a public  
28 charter school teacher or administrator that includes any fee charged pur-  
29 suant to rules adopted under ORS 181A.195.

30 “(2) In addition to the fee required by subsection (1) of this section for

1 the issuance of an educator license, the commission shall collect a fee not  
2 to exceed \$150 for the evaluation of an applicant requesting licensing based  
3 upon completion of an educator preparation program other than an Oregon  
4 approved educator preparation program.

5 “(3) In addition to the fees required by subsection (1) of this section, the  
6 commission shall collect a late application fee not to exceed \$40 per month  
7 up to a maximum of \$200 from an applicant who fails to make timely appli-  
8 cation for renewal of the license or registration. The actual amount of the  
9 fee shall be determined in accordance with rules of the commission.

10 “(4) In addition to the fees required by subsection (1) of this section, the  
11 commission shall collect a late application fee not to exceed \$350 for the  
12 reinstatement of an expired license. The requirements for reinstatement and  
13 the actual amount of the fee shall be determined in accordance with rules  
14 of the commission.

15 “(5) Notwithstanding the expiration date posted on the license, the license  
16 shall continue to be valid for an additional 120 days, provided the educator  
17 has made a timely application, as determined by the commission, for renewal  
18 prior to the expiration date on the license.

19 “(6) In addition to the fee required by subsection (1) of this section for  
20 the issuance of an educator license, the commission shall collect a fee not  
21 to exceed \$1,000 for the reinstatement of a license that has been suspended  
22 or revoked by the commission for gross neglect of duty or gross unfitness  
23 under ORS 342.175.

24 “(7) In addition to the fee required by subsection (1) of this section for  
25 the issuance of an educator license, the commission shall collect a fee not  
26 to exceed \$200 for the issuance of any license through an expedited process  
27 under ORS 342.125 [(6)] (7) at the request of any school district, public  
28 charter school or education service district that seeks to employ the appli-  
29 cant. The fee shall be paid by the school district, public charter school or  
30 education service district.



1 “(8) Fees established under this section shall cover, but not exceed, the  
2 full cost of administrative expenses incurred by the commission during any  
3 biennium.

4  
5 **“EMPLOYMENT AFTER RETIREMENT**

6  
7 **“SECTION 26. (1) The limitations on employment imposed by ORS**  
8 **238.082 (2) and (3) do not apply to a retired member who is employed**  
9 **as a licensed or classified staff member by a school district or educa-**  
10 **tion service district.**

11 **“(2) This section does not apply to any member who retires under**  
12 **the provisions of ORS 238.280 (1) or (3).**

13 **“(3) Hours worked by a person employed under this section may not**  
14 **be counted for the purpose of limitations on employment imposed by**  
15 **ORS 238.082 (2) and (3).**

16 **“(4) Employment under this section does not affect the status of a**  
17 **person as a retired member of the Public Employees Retirement Sys-**  
18 **tem and a recipient of retirement benefits under ORS chapter 238.**

19 **“SECTION 27. Section 26 of this 2023 Act is repealed July 1, 2029.**

20  
21 **“EMPLOYMENT PROTECTIONS FOR SUPERINTENDENTS**

22  
23 **“SECTION 28. ORS 334.225 is amended to read:**

24 **“334.225. (1) The education service district board shall employ a super-**  
25 **intendent who must hold an administrative license as a superintendent. The**  
26 **superintendent shall serve as the board’s executive officer, give an official**  
27 **bond or an irrevocable letter of credit issued by an insured institution, as**  
28 **defined in ORS 706.008, and have the duties prescribed by the board and the**  
29 **laws of this state.**

30 **“(2) The board shall fix the term and compensation of the superintendent,**

1 provide office room for the superintendent and allow all of the  
2 superintendent's necessary traveling expenses. **A contract for employment  
3 of the superintendent may provide for the termination of employment  
4 of the superintendent prior to the expiration of the contract. If the  
5 superintendent and the education service district board mutually agree  
6 to include a termination-without-cause provision in the contract, the  
7 education service district board may terminate the superintendent's  
8 employment, without cause, at any time during the contract period  
9 only if the education service district board provides the superintendent  
10 with at least 12 months' notice of the termination. Nothing in this  
11 subsection authorizes the education service district board to make a  
12 wrongful termination or a termination for any reason described in  
13 subsection (4) of this section.**

14 “[2)] **(3)** The education service district board shall designate the super-  
15 intendent as the district clerk. The board may appoint qualified persons as  
16 deputies to the superintendent to perform the duties required of the district  
17 clerk by law or by the board.

18 **“(4)(a) An education service district board may not:**

19 **“(A) Direct a superintendent to take any action that conflicts with  
20 a local, state or federal law that applies to education service districts;**

21 **“(B) Take an adverse employment action against a superintendent  
22 for complying with a local, state or federal law that applies to educa-  
23 tion service districts; or**

24 **“(C) Employ a superintendent pursuant to a contract that purports  
25 to waive, or conflicts with, any provision or requirement of subpara-  
26 graph (A) or (B) of this paragraph.**

27 **“(b) As used in this subsection:**

28 **“(A) ‘Local, state or federal law’ means a local, state or federal di-  
29 rective having the force of law, including an ordinance, a city or  
30 county resolution, a statute, a court decision, an administrative rule**

1 **or regulation, an order issued in compliance with ORS chapter 183, an**  
2 **executive order or any other directive, declaration or statement that**  
3 **is issued in compliance with the law as having the force of law and**  
4 **that is issued by a local government as defined in ORS 174.116, the**  
5 **state government as defined in ORS 174.111 or the federal government.**

6 **“(B) ‘Superintendent’ includes an interim superintendent.**

7 **“SECTION 29.** ORS 332.505, as amended by section 1, chapter 36, Oregon  
8 Laws 2022, is amended to read:

9 “332.505. (1) As used in this section:

10 “(a) ‘Instructional assistant’ has the meaning given that term in ORS  
11 342.120.

12 “(b) ‘Intern teacher’ means a regularly enrolled candidate of an approved  
13 educator preparation provider, as defined in ORS 342.120, who teaches under  
14 the supervision of the staff of the provider and of the employing district in  
15 order to acquire practical experience in teaching and for which the candidate  
16 receives both academic credit from the provider and financial compensation  
17 from the school district or education service district.

18 “(2) A district school board may:

19 “(a) Employ a superintendent of schools and necessary assistant super-  
20 intendants for the district and fix the terms and conditions of employment  
21 and the compensation. The district school board shall not contract with a  
22 superintendent for more than a period of three years at a time. The contract  
23 shall automatically expire at the end of its term. Nothing in this paragraph  
24 prevents a district school board from:

25 “(A) Electing to issue a subsequent contract for an additional three years  
26 at any time.

27 “(B) Including in the contract provisions that provide for the termination  
28 of employment of the superintendent prior to the expiration of the contract.  
29 If the superintendent and the district school board mutually agree to include  
30 a termination-without-cause provision in the contract, the district school

1 board may terminate the superintendent’s employment, without cause, at any  
2 time during the contract period only if the district school board provides the  
3 superintendent with at least 12 months’ notice of the termination. Nothing  
4 in this subparagraph authorizes the district school board to make a wrongful  
5 termination or a termination for any reason described in subsection (3)(a)  
6 of this section.

7 “(b) Employ personnel, including teachers and administrators, necessary  
8 to carry out the duties and powers of the board and fix the duties, terms and  
9 conditions of employment and the compensation.

10 “(c) Compensate district employees in any form which may include, but  
11 shall not be limited to, insurance, tuition reimbursement and salaries.

12 “(d) Employ instructional assistants and intern teachers subject to the  
13 rules of the State Board of Education.

14 “(3)(a) A district school board may not:

15 “(A) Direct a superintendent to take any action that conflicts with a lo-  
16 cal, state or federal law that applies to school districts [*or education service*  
17 *districts*];

18 “(B) Take an adverse employment action against a superintendent for  
19 complying with a local, state or federal law that applies to school districts  
20 [*or education service districts*]; or

21 “(C) Employ a superintendent pursuant to a contract that purports to  
22 waive, or conflicts with, any provision or requirement of subparagraph (A)  
23 or (B) of this paragraph.

24 “(b) As used in this subsection:

25 “(A) ‘Local, state or federal law’ means a local, state or federal directive  
26 having the force of law, including an ordinance, a city or county resolution,  
27 a statute, a court decision, an administrative rule or regulation, an order  
28 issued in compliance with ORS chapter 183, an executive order or any other  
29 directive, declaration or statement that is issued in compliance with the law  
30 as having the force of law and that is issued by a local government as de-

1 fined in ORS 174.116, the state government as defined in ORS 174.111 or the  
2 federal government.

3 “(B) ‘Superintendent’ includes an interim superintendent.

4 “(4) The district school board shall maintain written personnel policies  
5 and make the policies available for inspection by any school employee or  
6 member of the public.

7 “(5) The superintendent of the school district shall cause each employee  
8 to be specifically informed of the existence and availability of the personnel  
9 policies.

10

11 **“EARLY CHILDHOOD SPECIAL EDUCATION OR EARLY INTER-**  
12 **VENTION SERVICES**

13

14 **“SECTION 30.** ORS 329A.030, as amended by section 1, chapter 90,  
15 Oregon Laws 2022, is amended to read:

16 “329A.030. (1) The Office of Child Care shall establish a Central Back-  
17 ground Registry and may maintain information in the registry through elec-  
18 tronic records systems.

19 “(2)(a) A subject individual shall apply to and must be enrolled in the  
20 Central Background Registry as part of the individual’s application to oper-  
21 ate a program or serve in a position described in subsection (10) of this  
22 section.

23 “(b) An individual who has been the subject of a founded or substantiated  
24 report of child abuse shall apply to and must be enrolled in the Central  
25 Background Registry prior to providing any of the types of care identified  
26 in ORS 329A.250 (4)(b)(A), (G) or (H) if:

27 “(A) The child abuse occurred on or after January 1, 2017, and involved  
28 a child who died or suffered serious physical injury, as defined in ORS  
29 161.015; or

30 “(B) The child abuse occurred on or after September 1, 2019, and involved

1 any child for whom the individual was providing child care, as defined in  
2 ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (F), (G),  
3 (H) or (I).

4 “(c) Notwithstanding paragraph (a) of this subsection, an individual de-  
5 scribed in paragraph (b)(B) of this subsection is not required to enroll in the  
6 Central Background Registry if more than seven years has elapsed since the  
7 date of the child abuse determination.

8 “(3)(a) Upon receiving an application for enrollment in the Central  
9 Background Registry, the office shall complete:

10 “(A) A criminal records check under ORS 181A.195;

11 “(B) A criminal records check of other registries or databases in accord-  
12 ance with rules adopted by the Early Learning Council;

13 “(C) A child abuse and neglect records check in accordance with rules  
14 adopted by the council; and

15 “(D) A foster care certification check and an adult protective services  
16 check in accordance with rules adopted by the council.

17 “(b) In addition to the information that the office is required to check  
18 under paragraph (a) of this subsection, the office may consider any other  
19 information obtained by the office that the office, by rule, determines is  
20 relevant to enrollment in the Central Background Registry.

21 “(4)(a) The office shall enroll the individual in the Central Background  
22 Registry if the individual:

23 “(A) Is determined to have no criminal, child abuse and neglect, negative  
24 adult protective services or negative foster home certification history, or to  
25 have dealt with the issues and provided adequate evidence of suitability for  
26 the registry;

27 “(B) Has paid the applicable fee established pursuant to ORS 329A.275;  
28 and

29 “(C) Has complied with the rules of the Early Learning Council adopted  
30 pursuant to this section.

1 “(b) Notwithstanding subsection (3) of this section and paragraph (a) of  
2 this subsection, the office may enroll an individual in the registry if the  
3 Department of Human Services has completed a background check on the  
4 individual and the individual has received approval from the department for  
5 purposes of providing child care.

6 “(5)(a) Notwithstanding subsections (3) and (4) of this section, the office  
7 may not enroll an individual in the Central Background Registry if:

8 “(A) The individual has a disqualifying condition as defined in rules  
9 adopted by the council; or

10 “(B) The individual is an exempt prohibited individual, as provided by  
11 ORS 329A.252.

12 “(b) If an individual prohibited from enrolling in the registry as provided  
13 by this subsection is enrolled in the registry, the office shall remove the in-  
14 dividual from the registry.

15 “(6)(a) The office may conditionally enroll an individual in the Central  
16 Background Registry pending the results of a nationwide criminal records  
17 check through the Federal Bureau of Investigation if the individual has  
18 successfully completed the criminal records check and the child abuse and  
19 neglect records check in this state and in the state of the individual’s resi-  
20 dence, if other than Oregon.

21 “(b) The office may enroll an individual in the registry subject to limita-  
22 tions identified in rules adopted by the council.

23 “(7) An enrollment in the Central Background Registry may be renewed  
24 upon application to the office, payment of the fee established pursuant to  
25 ORS 329A.275 and compliance with rules adopted by the Early Learning  
26 Council pursuant to this section. However, an individual who is determined  
27 to be ineligible for enrollment in the registry after the date of initial en-  
28 rollment shall be removed or suspended from the registry by the office.

29 “(8)(a) A child care facility, preschool recorded program or school-age  
30 recorded program may not hire or employ an individual if the individual is

1 not enrolled in the Central Background Registry.

2 “(b) Notwithstanding paragraph (a) of this subsection, a child care facil-  
3 ity, preschool recorded program or school-age recorded program may employ  
4 on a probationary basis an individual who is conditionally enrolled in the  
5 Central Background Registry.

6 “(9) The Early Learning Council may adopt any rules necessary to carry  
7 out the purposes of this section, including but not limited to rules regarding  
8 expiration and renewal periods and limitations related to the subject  
9 individual’s enrollment in the Central Background Registry.

10 “(10) As used in this section, ‘subject individual’ means a subject indi-  
11 vidual as defined by the Early Learning Council by rule, an individual sub-  
12 ject to subsection (2)(b) of this section or a person who applies to be:

13 “(a) The operator or an employee of a child care or treatment program;

14 “(b) The operator or an employee of an Oregon prekindergarten program  
15 under ORS 329.170 to 329.200;

16 “(c) The operator or an employee of a federal Head Start program regu-  
17 lated by the United States Department of Health and Human Services;

18 “(d) An individual in a child care facility, preschool recorded program or  
19 school-age recorded program who may have unsupervised contact with chil-  
20 dren as identified by the office;

21 “(e) A contractor or an employee of the contractor who:

22 “(A) Provides early childhood special education or early intervention  
23 services pursuant to ORS 343.455 to 343.534; **and**

24 “(B) **Is not subject to the criminal records check requirements of**  
25 **ORS 326.603 or 342.223;**

26 “(f) A child care provider who is required to be enrolled in the Central  
27 Background Registry by any state agency;

28 “(g) A contractor, employee or volunteer of a metropolitan service district  
29 organized under ORS chapter 268 who may have unsupervised contact with  
30 children and who is required to be enrolled in the Central Background Reg-



1 istry by the metropolitan service district;

2 “(h) A provider of respite services, as defined in ORS 418.205, for parents  
3 pursuant to a properly executed power of attorney under ORS 109.056 who  
4 is providing respite services as a volunteer with a private agency or organ-  
5 ization that facilitates the provision of such respite services;

6 “(i) The operator or an employee of an early learning program as defined  
7 in rules adopted by the council; or

8 “(j) The operator or an employee of a preschool recorded program or a  
9 school-age recorded program.

10 “(11)(a) Information provided to a metropolitan service district organized  
11 under ORS chapter 268 about the enrollment status of the persons described  
12 in subsection (10)(g) of this section shall be subject to a reciprocal agreement  
13 with the metropolitan service district. The agreement must provide for the  
14 recovery of administrative, including direct and indirect, costs incurred by  
15 the office from participation in the agreement. Any moneys collected under  
16 this paragraph shall be deposited in the Child Care Fund established under  
17 ORS 329A.010.

18 “(b) Information provided to a private agency or organization facilitating  
19 the provision of respite services, as defined in ORS 418.205, for parents pur-  
20 suant to a properly executed power of attorney under ORS 109.056 about the  
21 enrollment status of the persons described in subsection (10)(h) of this sec-  
22 tion shall be subject to an agreement with the private agency or organiza-  
23 tion. The agreement must provide for the recovery of administrative,  
24 including direct and indirect, costs incurred by the office from participation  
25 in the agreement. Any moneys collected under this paragraph shall be de-  
26 posited in the Child Care Fund established under ORS 329A.010.

27 “(c) Information provided to a private agency or organization about the  
28 enrollment status of the persons described in subsection (10)(i) of this section  
29 shall be subject to an agreement with the private agency or organization.  
30 The agreement must provide for the recovery of administrative, including

1 direct and indirect, costs incurred by the office from participation in the  
2 agreement. Any moneys collected under this paragraph shall be deposited in  
3 the Child Care Fund established under ORS 329A.010.

4 **“SECTION 31.** ORS 329A.030, as amended by section 26, chapter 27,  
5 Oregon Laws 2022, and section 1, chapter 90, Oregon Laws 2022, is amended  
6 to read:

7 “329A.030. (1) The Office of Child Care shall establish a Central Back-  
8 ground Registry and may maintain information in the registry through elec-  
9 tronic records systems.

10 “(2)(a) A subject individual described in subsection (10)(a), (c) or (d) of  
11 this section shall apply to and must be enrolled in the Central Background  
12 Registry prior to the provision of care.

13 “(b) An individual who has been the subject of a founded or substantiated  
14 report of child abuse shall apply to and must be enrolled in the Central  
15 Background Registry prior to providing any of the types of care identified  
16 in ORS 329A.250 (4)(b)(A), (G) or (H) if:

17 “(A) The child abuse occurred on or after January 1, 2017, and involved  
18 a child who died or suffered serious physical injury, as defined in ORS  
19 161.015; or

20 “(B) The child abuse occurred on or after September 1, 2019, and involved  
21 any child for whom the individual was providing child care, as defined in  
22 ORS 329A.250 (4), or care identified in ORS 329A.250 (4)(b)(A), (C), (F), (G),  
23 (H) or (I).

24 “(c) Notwithstanding paragraph (a) of this subsection, an individual de-  
25 scribed in paragraph (b)(B) of this subsection is not required to enroll in the  
26 Central Background Registry if more than seven years has elapsed since the  
27 date of the child abuse determination.

28 “(3)(a) Upon receiving an application for enrollment in the Central  
29 Background Registry, the office shall complete:

30 “(A) A criminal records check under ORS 181A.195;

1 “(B) A criminal records check of other registries or databases in accord-  
2 ance with rules adopted by the Early Learning Council;

3 “(C) A child abuse and neglect records check in accordance with rules  
4 adopted by the council; and

5 “(D) A foster care certification check and an adult protective services  
6 check in accordance with rules adopted by the council.

7 “(b) In addition to the information that the office is required to check  
8 under paragraph (a) of this subsection, the office may consider any other  
9 information obtained by the office that the office, by rule, determines is  
10 relevant to enrollment in the Central Background Registry.

11 “(4) The office shall enroll the individual in the Central Background  
12 Registry if the individual:

13 “(a) Is determined to have no criminal, child abuse and neglect, negative  
14 adult protective services or negative foster home certification history, or to  
15 have dealt with the issues and provided adequate evidence of suitability for  
16 the registry;

17 “(b) Has paid the applicable fee established pursuant to ORS 329A.275;  
18 and

19 “(c) Has complied with the rules of the Early Learning Council adopted  
20 pursuant to this section.

21 “(5)(a) Notwithstanding subsections (3) and (4) of this section, the office  
22 may not enroll an individual in the Central Background Registry if:

23 “(A) The individual has a disqualifying condition as defined in rules  
24 adopted by the council; or

25 “(B) The individual is an exempt prohibited individual, as provided by  
26 ORS 329A.252.

27 “(b) If an individual prohibited from enrolling in the registry as provided  
28 by this subsection is enrolled in the registry, the office shall remove the in-  
29 dividual from the registry.

30 “(6)(a) The office may conditionally enroll an individual in the Central

1 Background Registry pending the results of a nationwide criminal records  
2 check through the Federal Bureau of Investigation if the individual has  
3 successfully completed the criminal records check and the child abuse and  
4 neglect records check in this state and in the state of the individual's resi-  
5 dence, if other than Oregon.

6 “(b) The office may enroll an individual in the registry subject to limita-  
7 tions identified in rules adopted by the council.

8 “(7) An enrollment in the Central Background Registry may be renewed  
9 upon application to the office, payment of the fee established pursuant to  
10 ORS 329A.275 and compliance with rules adopted by the Early Learning  
11 Council pursuant to this section. However, an individual who is determined  
12 to be ineligible for enrollment in the registry after the date of initial en-  
13 rollment shall be removed or suspended from the registry by the office.

14 “(8)(a) A child care facility, preschool recorded program or school-age  
15 recorded program may not hire or employ an individual if the individual is  
16 not enrolled in the Central Background Registry.

17 “(b) Notwithstanding paragraph (a) of this subsection, a child care facil-  
18 ity, preschool recorded program or school-age recorded program may employ  
19 on a probationary basis an individual who is conditionally enrolled in the  
20 Central Background Registry.

21 “(9) The Early Learning Council may adopt any rules necessary to carry  
22 out the purposes of this section, including but not limited to rules regarding  
23 expiration and renewal periods and limitations related to the subject  
24 individual's enrollment in the Central Background Registry.

25 “(10) As used in this section, ‘subject individual’ means:

26 “(a) A subject individual as defined by the Early Learning Council by  
27 rule;

28 “(b) An individual subject to subsection (2)(b) of this section;

29 “(c) A person who applies to be:

30 “(A) The operator or an employee of a child care or treatment program;

1 “(B) The operator or an employee of an Oregon prekindergarten program  
2 under ORS 329.170 to 329.200;

3 “(C) The operator or an employee of a federal Head Start program regu-  
4 lated by the United States Department of Health and Human Services;

5 “(D) An individual in a child care facility, preschool recorded program  
6 or school-age recorded program who may have unsupervised contact with  
7 children, as determined by the council by rule;

8 “(E) A contractor or an employee of the contractor who:

9 “(i) Provides early childhood special education or early intervention ser-  
10 vices pursuant to ORS 343.455 to 343.534; **and**

11 “(ii) **Is not subject to the criminal records check requirements of**  
12 **ORS 326.603 or 342.223;**

13 “(F) A child care provider who is required to be enrolled in the Central  
14 Background Registry by any state agency;

15 “(G) A contractor, employee or volunteer of a metropolitan service dis-  
16 trict organized under ORS chapter 268 who may have unsupervised contact  
17 with children and who is required to be enrolled in the Central Background  
18 Registry by the metropolitan service district;

19 “(H) A provider of respite services, as defined in ORS 418.205, for parents  
20 pursuant to a properly executed power of attorney under ORS 109.056 who  
21 is providing respite services as a volunteer with a private agency or organ-  
22 ization that facilitates the provision of such respite services;

23 “(I) The operator or an employee of an early learning program as defined  
24 in rules adopted by the council; or

25 “(J) The operator or an employee of a preschool recorded program or a  
26 school-age recorded program; or

27 “(d)(A) An individual who operates a subsidized care facility;

28 “(B) An individual who has attained 18 years of age and resides in a  
29 subsidized care facility; or

30 “(C) An individual in a subsidized care facility who has attained 18 years

1 of age and who may have unsupervised contact with children, as determined  
2 by the council by rule.

3 “(11)(a) Information provided to a metropolitan service district organized  
4 under ORS chapter 268 about the enrollment status of the persons described  
5 in subsection (10)(c)(G) of this section shall be subject to a reciprocal  
6 agreement with the metropolitan service district. The agreement must pro-  
7 vide for the recovery of administrative, including direct and indirect, costs  
8 incurred by the office from participation in the agreement. Any moneys col-  
9 lected under this paragraph shall be deposited in the Child Care Fund es-  
10 tablished under ORS 329A.010.

11 “(b) Information provided to a private agency or organization facilitating  
12 the provision of respite services, as defined in ORS 418.205, for parents pur-  
13 suant to a properly executed power of attorney under ORS 109.056 about the  
14 enrollment status of the persons described in subsection (10)(c)(H) of this  
15 section shall be subject to an agreement with the private agency or organ-  
16 ization. The agreement must provide for the recovery of administrative, in-  
17 cluding direct and indirect, costs incurred by the office from participation  
18 in the agreement. Any moneys collected under this paragraph shall be de-  
19 posited in the Child Care Fund established under ORS 329A.010.

20 “(c) Information provided to a private agency or organization about the  
21 enrollment status of the persons described in subsection (10)(c)(I) of this  
22 section shall be subject to an agreement with the private agency or organ-  
23 ization. The agreement must provide for the recovery of administrative, in-  
24 cluding direct and indirect, costs incurred by the office from participation  
25 in the agreement. Any moneys collected under this paragraph shall be de-  
26 posited in the Child Care Fund established under ORS 329A.010.

27

28

## “CAPTIONS

29

30 **“SECTION 32. The unit captions used in this 2023 Act are provided**

1 only for the convenience of the reader and do not become part of the  
2 statutory law of this state or express any legislative intent in the  
3 enactment of this 2023 Act.

4

5

**“EMERGENCY CLAUSE**

6

7 **“SECTION 33. This 2023 Act being necessary for the immediate**  
8 **preservation of the public peace, health and safety, an emergency is**  
9 **declared to exist, and this 2023 Act takes effect July 1, 2023.”**

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