

House Bill 2509

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Education for Lisa Ledson)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Requires some school staff who are not teachers, including staff who serve a child with a disability, to meet certain standards. (Flesch Readability Score: 60.6).

Directs the State Board of Education to adopt rules related to standards for instructional assistants.

A BILL FOR AN ACT

1
2 Relating to standards for instructional assistants; creating new provisions; and amending ORS
3 327.298, 327.341, 332.505, 342.120, 342.208, 343.041, 343.055 and 657.010.

4 Whereas students who are a child with a disability in this state deserve qualified staff to assist
5 them in school; and

6 Whereas the Individuals with Disabilities Education Act and federal regulations require the
7 State of Oregon to set standards for school personnel and paraprofessionals who serve students who
8 are a child with a disability; and

9 Whereas current Oregon administrative rules do not set out such standards; now, therefore,

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

11 **SECTION 1.** ORS 343.041 is amended to read:

12 343.041. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public In-
13 struction shall be responsible for the general supervision of all special education programs for
14 children with disabilities, early childhood special education and early intervention services for pre-
15 school children with disabilities within the state, including all such programs administered by any
16 state agency or common or union high school district or education service district.

17 (2) All special education programs for children with disabilities, early childhood special educa-
18 tion and early intervention services for preschool children with disabilities within this state shall
19 meet the standards and criteria established therefor by the State Board of Education.

20 (3) The State Board of Education shall adopt by rule procedures whereby the superintendent
21 investigates and resolves complaints that the Department of Education, a local education agency or
22 an early intervention or early childhood special education contractor has violated a federal law or
23 statute that applies to a special education or early childhood special education program. Complaint
24 procedures must comply with the provisions of ORS 343.165.

25 (4) The State Board of Education shall adopt rules relating to the establishment and mainte-
26 nance of standards to ensure that personnel providing special education and early childhood special
27 education and early intervention services are appropriately and adequately trained. **Standards for**
28 **instructional assistants must comply with the provisions of section 3 of this 2025 Act.**

29 (5) The Governor shall direct that agencies affected by this section enter into cooperative

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 agreements to achieve necessary uniformity in meeting the standards and criteria established by the
 2 state board under subsection (2) of this section.

3 (6) The Governor shall direct that each public agency obligated under federal or state law to
 4 provide or pay for any services that are also considered special education or related services nec-
 5 essary for ensuring a free appropriate public education to children with disabilities, including but
 6 not limited to the Department of Human Services, enter into cooperative agreements with the De-
 7 partment of Education concerning:

- 8 (a) Allocation among agencies of financial responsibility for providing services;
- 9 (b) Conditions, terms and procedures for reimbursement; and
- 10 (c) Policies and procedures for coordinating timely and appropriate delivery of services.

11 (7) All cooperative agreements entered into under subsections (5) and (6) of this section shall
 12 include procedures for resolving interagency disputes.

13 **SECTION 2. Section 3 of this 2025 Act is added to and made a part of ORS chapter 343.**

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

15 (a) **“Instructional assistant” has the meaning given that term in ORS 332.505.**

16 (b) **“School district” means:**

- 17 (A) **A common school district or a union high school district; or**
- 18 (B) **An education service district.**

19 (2) **The State Board of Education shall adopt rules that establish standards to ensure**
 20 **that instructional assistants are appropriately and adequately prepared and trained to pro-**
 21 **vide support to a student who is a child with a disability to the extent necessary to comply**
 22 **with this chapter and the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.**
 23 **The standards must:**

24 (a) **Ensure that each instructional assistant has the content knowledge and skills to**
 25 **serve a student who is a child with a disability to the extent that the instructional assistant**
 26 **serves a student who is a child with a disability.**

27 (b) **Specify the knowledge, skills and training that an instructional assistant must have**
 28 **before:**

- 29 (A) **Working with any student; and**
- 30 (B) **Working in any assignment for more than 30 days.**

31 (3) **The standards established under subsection (2) of this section shall include additional**
 32 **requirements for instructional assistants who are assigned to provide direct support to a**
 33 **student who is a child with a disability. The additional requirements shall:**

34 (a) **Specify the knowledge, skills and training that an instructional assistant must have**
 35 **before providing direct support to:**

- 36 (A) **Any student who is a child with a disability; and**
- 37 (B) **Any student who has behavioral support needs or complex medical needs.**

38 (b) **Require school districts to prioritize assigning the most experienced instructional**
 39 **assistants to the highest needs students who are a child with a disability;**

40 (c) **Take into consideration education, experience or any combination thereof that satis-**
 41 **fies the purposes described in subsection (2) of this section; and**

42 (d) **Consider a broad range of relevant backgrounds, including medical training and ex-**
 43 **perience and in-home care training and experience.**

44 (4) **When adopting the rules required by subsection (2) of this section, the board must**
 45 **appoint an advisory committee in accordance with ORS 183.333 that includes:**

1 (a) Two members who are a parent of a student who is a child with a disability;

2 (b) One member who is an attorney who specializes in special education law;

3 (c) Two members who are instructional assistants, at least one of whom provides direct
4 support to a student who is a child with a disability;

5 (d) Two members who hold a teaching license with an endorsement in some aspect of
6 special education;

7 (e) One member who is a director of special education for an urban school district;

8 (f) One member who is a director of special education for a rural school district; and

9 (g) One member who is a representative of an organization that provides support to
10 families with a child with a disability.

11 (5) School districts must report to the Department of Education any information identi-
12 fied by the department as necessary to ensure compliance with the requirements of state and
13 federal law related to the qualifications of instructional assistants serving students who are
14 a child with a disability, including the department's duty to exercise general supervision of
15 special education as required by federal law. A school district that does not comply with the
16 standards established by this section is considered nonstandard under ORS 327.103.

17 **SECTION 4.** (1) The State Board of Education shall establish standards for instructional
18 assistants, as described in section 3 of this 2025 Act, no later than July 1, 2026.

19 (2) A school district must ensure compliance with the standards for instructional as-
20 sistants, as established by the State Board of Education under section 3 of this 2025 Act, no
21 later than July 1, 2028.

22 **SECTION 5.** ORS 332.505 is amended to read:

23 332.505. (1) A district school board may:

24 (a) Employ a superintendent of schools and necessary assistant superintendents for the district
25 and fix the terms and conditions of employment and the compensation. The district school board
26 shall not contract with a superintendent for more than a period of three years at a time. The con-
27 tract shall automatically expire at the end of its term. Nothing in this paragraph prevents a district
28 school board from:

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

30 (B) Including in the contract provisions that provide for the termination of employment of the
31 superintendent prior to the expiration of the contract. If the superintendent and the district school
32 board mutually agree to include a termination-without-cause provision in the contract, the district
33 school board may terminate the superintendent's employment, without cause, at any time during the
34 contract period only if the district school board provides the superintendent with at least 12 months'
35 notice of the termination. Nothing in this subparagraph authorizes the district school board to make
36 a wrongful termination or a termination for any reason described in subsection (3)(a) of this section.

37 (b) Employ personnel, including teachers and administrators, necessary to carry out the duties
38 and powers of the board and fix the duties, terms and conditions of employment and the compen-
39 sation.

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

42 (d) Employ instructional assistants and intern teachers subject to the rules of the State Board
43 of Education. As used in this paragraph:

44 [(A) "Instructional assistant" has the meaning given that term in ORS 342.120.]

45 (A) "Instructional assistant" means an employee of a school district:

1 (i) For whom a teaching or an administrative license is not required as a basis for em-
 2 ployment in the school district; and

3 (ii) Whose assignment consists of and is limited to assisting a licensed teacher in ac-
 4 cordance with rules established by the Teacher Standards and Practices Commission.

5 (B) “Intern teacher” means a regularly enrolled candidate of an approved educator preparation
 6 provider, as defined in ORS 342.120, who teaches under the supervision of the staff of the provider
 7 and of the employing district in order to acquire practical experience in teaching and for which the
 8 candidate receives both academic credit from the provider and financial compensation from the
 9 school district or education service district.

10 (2)(a) A district school board shall designate one or more civil rights coordinators for the school
 11 district. A civil rights coordinator may be an employee of the school district or the school district
 12 may enter into a contract with an education service district for the services of a civil rights coor-
 13 dinator. A civil rights coordinator, at a minimum, shall:

14 (A) Monitor, coordinate and oversee school district compliance with state and federal laws
 15 prohibiting discrimination in public education;

16 (B) Oversee investigations of complaints alleging discrimination in public education and ensure
 17 that the investigations are resolved;

18 (C) Provide guidance to school and school district personnel on civil rights issues in the school
 19 district, respond to questions and concerns about civil rights in the school district and coordinate
 20 efforts to prevent civil rights violations from occurring in the school district;

21 (D) Satisfy any training requirements prescribed by the State Board of Education by rule; and

22 (E) Comply with any rules adopted by the State Board of Education for the purpose of imple-
 23 menting this paragraph.

24 (b) As used in this subsection, “discrimination” has the meaning given that term in ORS 659.850
 25 when used in relation to state law.

26 (c) For the purpose of this subsection, the Department of Education shall annually make avail-
 27 able training for civil rights coordinators and the State Board of Education may adopt any necessary
 28 rules.

29 (3)(a) A district school board may not:

30 (A) Direct a superintendent to take any action that conflicts with a local, state or federal law
 31 that applies to school districts;

32 (B) Take an adverse employment action against a superintendent for complying with a local,
 33 state or federal law that applies to school districts; or

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

36 (b) As used in this subsection:

37 (A) “Local, state or federal law” means a local, state or federal directive having the force of
 38 law, including an ordinance, a city or county resolution, a statute, a court decision, an administra-
 39 tive rule or regulation, an order issued in compliance with ORS chapter 183, an executive order or
 40 any other directive, declaration or statement that is issued in compliance with the law as having
 41 the force of law and that is issued by a local government as defined in ORS 174.116, the state gov-
 42 ernment as defined in ORS 174.111 or the federal government.

43 (B) “Superintendent” includes an interim superintendent.

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

1 (5) The superintendent of the school district shall cause each employee to be specifically in-
 2 formed of the existence and availability of the personnel policies.

3 **SECTION 6.** ORS 342.120 is amended to read:

4 342.120. As used in this chapter, unless the context requires otherwise:

5 (1) “Administrator” includes but is not limited to all superintendents, assistant superintendents,
 6 principals and academic program directors in public schools or education service districts who have
 7 direct responsibility for supervision or evaluation of licensed teachers and who are compensated for
 8 their services from public funds.

9 (2) “Administrative license” means a license issued under ORS 342.125 (3)(f) or (g).

10 (3) “Approved educator preparation program” means a licensure program that:

11 (a) Prepares persons to become educators in any grade from preprimary through grade 12;

12 (b) Is offered by an approved educator preparation provider; and

13 (c) Meets the standards of the Teacher Standards and Practices Commission, as provided by ORS
 14 342.147.

15 (4) “Approved educator preparation provider” means a sponsor or provider of an educator
 16 preparation program that meets the standards of the Teacher Standards and Practices Commission,
 17 as provided by ORS 342.147.

18 (5) “Commission licensee” means a person whom the Teacher Standards and Practices Commis-
 19 sion has the authority to investigate or discipline because the person:

20 (a) Is enrolled in an approved educator preparation program;

21 (b) Is an applicant for a Teacher Standards and Practices Commission license or registration;

22 (c) Holds a license or registration issued by the Teacher Standards and Practices Commission;

23 or

24 (d) Has held a license or registration issued by the Teacher Standards and Practices Commission
 25 at any time during the previous five years.

26 (6) “Instruction” includes preparation of curriculum, assessment and direction of learning in
 27 class, in small groups, in individual situations, online, in the library and in guidance and counseling,
 28 but does not include the provision of related services, as defined in ORS 343.035, to a child identified
 29 as a child with a disability pursuant to ORS 343.146 to 343.183 when provided in accordance with
 30 ORS 343.221.

31 [(7) “Instructional assistant” means a classified school employee who does not require a license to
 32 teach, who is employed by a school district or education service district and whose assignment consists
 33 of and is limited to assisting a licensed teacher in accordance with rules established by the Teacher
 34 Standards and Practices Commission.]

35 [(8)] (7) “Teacher” includes all licensed employees in the public schools or employed by an ed-
 36 ucation service district who have direct responsibility for instruction or coordination of educational
 37 programs and who are compensated for their services from public funds. “Teacher” does not include
 38 a school nurse as defined in ORS 342.455 or an instructional assistant **as defined in ORS 332.505.**

39 [(9)] (8) “Teaching license” means a license issued under ORS 342.125 or 342.144.

40 [(10)] (9) “Underrepresented person” means:

41 (a) A person having origins in any of the black racial groups of Africa, but who is not Hispanic;

42 (b) A person of Hispanic culture or origin;

43 (c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the
 44 Indian subcontinent or the Pacific Islands; or

45 (d) An American Indian or Alaska Native having origins in any of the original peoples of North

1 America.

2 **SECTION 7.** ORS 327.298 is amended to read:

3 327.298. (1) The Department of Education shall make grants to improve student achievement in
4 schools that:

5 (a) Are considered high poverty under Title I of the federal Elementary and Secondary Educa-
6 tion Act of 1965;

7 (b) The department had not identified prior to January 1, 2014, as focus or priority schools
8 pursuant to a flexibility waiver submitted to the United States Department of Education; and

9 (c) The Department of Education has identified as needing additional supports and interventions
10 pursuant to a flexibility waiver submitted to the United States Department of Education, based on:

11 (A) Criteria used by the Department of Education to measure the performance of the schools;
12 and

13 (B) The schools' performance ranking compared to similar schools.

14 (2) The department shall identify schools to receive grants as provided in this section and shall
15 notify the identified schools of the schools' eligibility to receive grants as provided in this section.

16 (3) Moneys received by a school under this section must be used to provide instructional time
17 during a summer program. The summer program must provide at least 60 hours of direct academic
18 instruction by a teacher licensed under ORS 342.125 or by an instructional assistant, as defined in
19 ORS [342.120] **332.505**.

20 (4) The State Board of Education may adopt any rules necessary for the administration of this
21 section.

22 **SECTION 8.** ORS 327.341 is amended to read:

23 327.341. (1) In addition to those moneys distributed through the State School Fund, the Depart-
24 ment of Education shall make grants to improve student achievement in schools that:

25 (a) Are considered high poverty under Title I of the federal Elementary and Secondary Educa-
26 tion Act of 1965;

27 (b) The department has identified as having a significant achievement gap between historically
28 underserved students groups and other student groups pursuant to standards adopted by the State
29 Board of Education; and

30 (c) The department has identified as needing additional supports and interventions based on:

31 (A) Criteria used by the Department of Education to measure the performance of the schools;
32 and

33 (B) The schools' performance ranking compared to similar schools.

34 (2) The department shall identify schools to receive grants as provided in this section and shall
35 notify the identified schools of the schools' eligibility to receive grants as provided in this section.

36 (3) Moneys received by a school under this section must be used to provide instructional time
37 during a summer program. The summer program must provide at least 60 hours of direct academic
38 instruction by a teacher licensed under ORS 342.125 or by an instructional assistant, as defined in
39 ORS [342.120] **332.505**.

40 (4) The State Board of Education may adopt any rules necessary for the administration of this
41 section.

42 **SECTION 9.** ORS 342.208 is amended to read:

43 342.208. (1) The State Board of Education shall develop model career pathways for instructional
44 assistants, as defined in ORS [342.120] **332.505**, to become licensed teachers. The model career
45 pathways must take into consideration the skills and experience attained by an instructional as-

1 sistant.

2 (2) The model career pathways must identify:

3 (a) The minimum requirements for an instructional assistant to participate in a career pathway,
4 including the requirement that the instructional assistant have attained at least an associate degree
5 and be currently employed by a school district or an education service district.

6 (b) Guidelines for school districts, education service districts and institutions of higher educa-
7 tion to collaborate to assist an instructional assistant who is participating in a career pathway.

8 **SECTION 10.** ORS 343.055 is amended to read:

9 343.055. (1) The Superintendent of Public Instruction shall administer all programs established
10 under this chapter. The State Board of Education, consistent with the provisions of ORS **332.505**
11 **and** 342.120 to 342.430, shall adopt rules relating to qualifications of teachers, **instructional as-**
12 **sistants**, supervisors, work experience coordinators, coordinators of volunteer services and trainers
13 of volunteer personnel, courses of study, admission, eligibility of children, size of special facilities,
14 rooms and equipment, supervision, territory to be served, and such other rules as the board consid-
15 ers necessary to administer this chapter.

16 (2) Out of such funds as may otherwise be appropriated for the purposes enumerated in this
17 section, the State Board of Education may:

18 (a) Purchase and prepare equipment and supplies to be loaned to school districts and county or
19 regional special education facilities which provide approved programs for children with disabilities
20 in the public schools.

21 (b) Contract with and pay an educational institution, either within or without the state, for the
22 purpose of providing educational services for children who are both deaf and blind.

23 (c) Purchase and prepare equipment and supplies to be loaned to early childhood special edu-
24 cation and early intervention contractors that provide approved programs for preschool children
25 with disabilities.

26 **SECTION 11.** ORS 657.010, as amended by section 28, chapter 75, Oregon Laws 2024, is
27 amended to read:

28 657.010. As used in this chapter, unless the context requires otherwise:

29 (1) "Base year" means the first four of the last five completed calendar quarters preceding the
30 benefit year.

31 (2) "Benefits" means the money allowances payable to unemployed persons under this chapter.

32 (3) "Benefit year" means a period of 52 consecutive weeks commencing with the first week with
33 respect to which an individual files an initial valid claim for benefits, and thereafter the 52 consec-
34 utive weeks period beginning with the first week with respect to which the individual next files an
35 initial valid claim after the termination of the individual's last preceding benefit year except that
36 the benefit year shall be 53 weeks if the filing of an initial valid claim would result in overlapping
37 any quarter of the base year of a previously filed initial valid claim.

38 (4) "Calendar quarter" means the period of three consecutive calendar months ending on March
39 31, June 30, September 30 or December 31, or the approximate equivalent thereof, as the Director
40 of the Employment Department may, by rule, prescribe.

41 (5) "Contribution" or "contributions" means the taxes that are the money payments required by
42 this chapter, or voluntary payments permitted, to be made to the Unemployment Compensation Trust
43 Fund.

44 (6) "Educational institution," including an institution of higher education, means an institution:

45 (a) In which participants, trainees or students are offered an organized course of study or

1 training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities
 2 from, by or under the guidance of an instructor or teacher;

3 (b) That is accredited, registered, approved, licensed or issued a permit to operate as a school
 4 by the Department of Education or other government agency, or that offers courses for credit that
 5 are transferable to an approved, registered or accredited school;

6 (c) In which the course or courses of study or training that it offers may be academic, technical,
 7 trade or preparation for gainful employment in a recognized occupation; and

8 (d) In which the course or courses of study or training are offered on a regular and continuing
 9 basis.

10 (7) "Employment office" means a free public employment office or branch thereof, operated by
 11 this state or maintained as a part of a state-controlled system of public employment offices.

12 (8) "Hospital" has the meaning given that term in ORS 442.015.

13 (9) "Institution of higher education" means an educational institution that:

14 (a) Admits as regular students only individuals having a certificate of graduation from a high
 15 school, or the recognized equivalent of such a certificate;

16 (b) Is legally authorized in this state to provide a program of education beyond high school;

17 (c) Provides an educational program for which it awards a bachelor's or higher degree, or pro-
 18 vides a program that is acceptable for full credit toward such a degree, a program of post-graduate
 19 or post-doctoral studies, or a program of training to prepare students for gainful employment in a
 20 recognized occupation; and

21 (d) Is a public or other nonprofit institution.

22 (10) "Instructional capacity" does not include services performed as an instructional assistant
 23 as defined in ORS [342.120] **332.505**.

24 (11) "Internal Revenue Code" means the federal Internal Revenue Code, as amended and in ef-
 25 fect on December 31, 2023.

26 (12) "Nonprofit employing unit" means an organization, or group of organizations, described in
 27 section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a)
 28 of the Internal Revenue Code.

29 (13) "State" includes, in addition to the states of the United States of America, the District of
 30 Columbia and Puerto Rico. However, for all purposes of this chapter the Virgin Islands shall be
 31 considered a state on and after the day on which the United States Secretary of Labor first approves
 32 the Virgin Islands' law under section 3304(a) of the Federal Unemployment Tax Act as amended by
 33 Public Law 94-566.

34 (14) "Taxes" means the money payments to the Unemployment Compensation Trust Fund re-
 35 quired, or voluntary payments permitted, by this chapter.

36 (15) "Valid claim" means any claim for benefits made in accordance with ORS 657.260 if the
 37 individual meets the wages-paid-for-employment requirements of ORS 657.150.

38 (16) "Week" means any period of seven consecutive calendar days ending at midnight, as the
 39 director may prescribe by rule.

40