

Senate Bill 324

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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: Moves certain duties, functions and powers of state education from TSPC and EAC to ODE. (Flesch Readability Score: 61.8).

Transfers certain duties, functions and powers related to teaching, administrative and personnel licensure from the Teacher Standards and Practices Commission to the Department of Education. Retains commission duties, functions and powers related to licensure standards and licensee discipline.

Directs the Department of Education to establish the Educator Advancement Council.
Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to state education governance; creating new provisions; amending ORS 181A.180, 326.726,
3 329.496, 329.603, 329.788, 336.635, 336.680, 338.120, 338.135, 339.250, 339.370, 339.372, 339.374,
4 339.378, 339.388, 339.389, 339.390, 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125,
5 342.127, 342.130, 342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173,
6 342.175, 342.176, 342.177, 342.183, 342.192, 342.195, 342.200, 342.202, 342.203, 342.223, 342.350,
7 342.390, 342.420, 342.425, 342.430, 342.443, 342.455, 342.465, 342.475, 342.485, 342.553, 342.621,
8 342.856, 342.940, 342.971, 343.328, 344.059, 348.295, 419B.005, 419B.019, 419B.035, 675.520, 676.866,
9 681.230 and 681.360 and section 4, chapter 756, Oregon Laws 2015, and section 9a, chapter 518,
10 Oregon Laws 2021; repealing ORS 342.410 and 344.062; and declaring an emergency.

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

12 **SECTION 1. The duties, functions and powers of the Teacher Standards and Practices**
13 **Commission relating to:**

14 **(1) The issuance of any teaching, administrative or personnel service license and the in-**
15 **vestigation of any person holding a teaching, administrative or personnel service license are**
16 **transferred to and vested in the Department of Education.**

17 **(2) The establishment of professional development requirements is transferred to and**
18 **vested in the Department of Education.**

19 **(3) The approval of educator preparation providers and education preparation programs**
20 **is transferred to and vested in the Department of Education.**

21 **SECTION 2. ORS 342.350 is amended to read:**

22 **342.350. (1) *[There is created a Teacher Standards and Practices Commission consisting]* The**
23 **Teacher Standards and Practices Commission is established. The purposes of the commission**
24 **are to:**

25 **(a) Adopt rules and standards related to teaching, administrative and personnel service**
26 **licenses, as those licenses are issued by the Department of Education; and**

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 **(b) Oversee disciplinary proceedings and impose discipline on department licensees.**

2 **(2) The commission consists** of 17 members appointed by the Governor subject to confirmation
3 by the Senate in the manner provided in ORS 171.562 and 171.565.

4 [(2)] **(3)** The term of office of a member is three years. Before the expiration of the term of a
5 member, the Governor shall appoint a successor to assume the duties on January 1 next following.
6 A member is eligible for reappointment but only for one additional term. In case of a vacancy for
7 any cause, the Governor shall make an appointment to become immediately effective for the unex-
8 pired term.

9 [(3)] **(4)** Any member who through change of employment standing or other circumstances no
10 longer meets the criteria for the position to which the member was appointed shall no longer be
11 eligible to serve in that position, and the position on the commission shall become vacant 60 days
12 following the member's change in circumstances.

13 **SECTION 3.** ORS 181A.180 is amended to read:

14 181A.180. Whenever any court or district attorney receives a disposition report and the court
15 or district attorney has cause to believe that the arrested person who is the subject of the report
16 is an employee of a school district or is licensed as a school teacher or administrator and that the
17 charge involves a violation of any crime listed in ORS 342.143 (3), the court or district attorney shall
18 cause [*the Teacher Standards and Practices Commission and*] the Department of Education to be sent
19 a copy of the completed disposition report.

20 **SECTION 4.** ORS 326.726 is amended to read:

21 326.726. (1) The Department of Education shall designate a dyslexia specialist for the department
22 to provide school districts with support and resources that are necessary to:

- 23 (a) Assist students with dyslexia and their families; and
24 (b) Comply with the requirements of this section.

25 (2) Each school district shall ensure that at least one kindergarten through grade five teacher
26 in each kindergarten through grade five school has received training related to dyslexia. The
27 training must comply with the requirements described in subsection (3) of this section.

28 (3) For the purpose of subsection (2) of this section, a training opportunity related to dyslexia
29 must:

- 30 (a) Comply with the knowledge and practice standards of an international organization on
31 dyslexia;
32 (b) Enable the teacher to understand and recognize dyslexia; and
33 (c) Enable the teacher to implement instruction that is systematic, explicit and evidence-based
34 to meet the educational needs of students with dyslexia.

35 (4) The department shall annually develop a list of training opportunities related to dyslexia that
36 satisfy the requirements described in subsection (3) of this section. The list must:

- 37 (a) Be developed [*in collaboration with the Teacher Standards and Practices Commission*] to en-
38 sure that the training opportunities also satisfy professional development requirements; and
39 (b) Include at least one opportunity that is provided entirely online.

40 (5) Each school district shall ensure that every student is screened for risk factors of dyslexia
41 using a screening test identified by the department when the student is in:

- 42 (a) Kindergarten, if the student first enrolls at a public school in this state for kindergarten; or
43 (b) First grade, if the student first enrolls in a public school in this state for first grade.

44 (6) For the purpose of subsection (5) of this section, the department shall:

- 45 (a) Identify screening tests that are cost effective. The tests administered to students in

1 kindergarten must take into account the following factors:

2 (A) Phonological awareness;

3 (B) Rapid naming skills;

4 (C) The correspondence between sounds and letters; and

5 (D) Family history of difficulty in learning to read, if the student shows risk factors for reading
6 difficulties, including dyslexia.

7 (b) Provide guidance for notifications to be sent by school districts to parents of students who
8 are identified as having risk factors for reading difficulties, including dyslexia.

9 (7) The department shall develop guidance regarding best practices for assisting students who
10 are identified through screening or through parental input as showing risk factors or being at risk
11 for reading difficulties, including dyslexia. The department shall make the guidance available to
12 school districts.

13 (8)(a) A school district that does not comply with the requirements of subsection (2) of this
14 section and that does not secure a waiver from the department within the time required by the State
15 Board of Education by rule is considered nonstandard under ORS 327.103.

16 (b) The board shall adopt by rule the criteria for a waiver from the requirements of subsection
17 (2) of this section to address instances when noncompliance is outside the control of the school
18 district.

19 **SECTION 5.** ORS 329.496 is amended to read:

20 329.496. (1)(a) Every public school student in kindergarten through grade five, and every public
21 school student in grade six at a school that teaches kindergarten through grade six, shall participate
22 in physical education for the entire school year for at least 150 minutes during each school week.

23 (b) Except as provided by paragraph (a) of this subsection, every public school student in grades
24 six through eight shall participate in physical education for at least an average of 150 minutes
25 during each school week, as calculated over the duration of a school year.

26 (c) Notwithstanding the time requirements established by paragraphs (a) and (b) of this sub-
27 section, the State Board of Education shall adopt rules that prorate the time requirements for:

28 (A) School weeks with scheduled school closures, including closures for holidays, inservice days
29 and days scheduled for parent-teacher conferences;

30 (B) School weeks with unscheduled school closures, including closures for inclement weather
31 and emergencies;

32 (C) School weeks with out-of-school activities that occur during usual school hours, including
33 field trips and outdoor school programs;

34 (D) Part-time school programs, including half-day kindergarten; and

35 (E) Irregular class schedules, including class schedules based on a four-day week.

36 (d) School districts and public charter schools are not required to comply with the time re-
37 quirements established by paragraphs (a) and (b) of this subsection for school years during the
38 biennium in which the total amounts appropriated or allocated to the State School Fund and avail-
39 able for distribution to school districts are less than the amounts determined to be needed for school
40 districts through the State School Fund under the tentative budget prepared as provided by ORS
41 291.210. After the beginning of a biennium, a school district or a public charter school may cease
42 to comply with the time requirements established by paragraphs (a) and (b) of this subsection if the
43 amounts appropriated or allocated to the State School Fund and available for distribution to school
44 districts are less than the amounts determined to be needed for distribution through the State
45 School Fund, as calculated under ORS 291.210.

1 (2) School districts and public charter schools shall offer instruction in physical education that
2 meets the academic content standards for physical education adopted by the State Board of Educa-
3 tion under ORS 329.045. The instruction shall be a sequential, developmentally appropriate curric-
4 ulum that is designed, implemented and evaluated to help students develop the knowledge, motor
5 skills, self-management skills, attitudes and confidence needed to adopt and maintain physical ac-
6 tivity throughout their lives.

7 (3)(a) School districts and public charter schools shall devote at least 50 percent of physical
8 education class time to actual physical activity in each school week, with as much class time as
9 possible spent in moderate physical activity.

10 (b)(A) For the purpose of satisfying the time requirements established by subsection (1)(a) of this
11 section, school districts and public charter schools may provide up to 45 minutes of activities during
12 each school week that:

13 (i) Meet the academic content standards for physical education adopted by the State Board of
14 Education under ORS 329.045;

15 (ii) Are provided for students by a teacher whose license allows the teacher to provide instruc-
16 tion in physical education to those students, even if the teacher does not have a physical education
17 endorsement; and

18 (iii) Have been reviewed by a licensed teacher with a physical education endorsement.

19 (B) The Department of Education shall:

20 (i) Review and, as appropriate, approve activities that are developed by nonprofit professional
21 organizations representing health and physical education educators if the activities meet the re-
22 quirements of subparagraph (A) of this paragraph; and

23 (ii) Make available to school districts and public charter schools a list of activities approved
24 as provided by this subparagraph.

25 (C) School districts and public charter schools may provide activities that meet the requirements
26 of subparagraph (A) of this paragraph even if the activities are not approved as provided by sub-
27 paragraph (B) of this paragraph.

28 (4)(a) Notwithstanding subsections (1) and (3) of this section, a student with disabilities shall
29 have suitably adapted physical education incorporated as part of the individualized education pro-
30 gram developed for the student under ORS 343.151.

31 (b) Notwithstanding subsections (1) and (3) of this section, a student who does not have an in-
32 dividualized education program but has chronic health problems, other disabling conditions or other
33 special needs that preclude the student from participating in regular physical education instruction
34 shall have suitably adapted physical education incorporated as part of an individualized health plan
35 developed for the student by the school district or public charter school.

36 (5) School districts and public charter schools shall assess school curricula at regular intervals
37 to measure the attainment of the minimum number of minutes that students are required to partic-
38 ipate in physical education under this section.

39 (6)(a) All teachers of physical education for public school students in kindergarten through
40 grade eight shall be adequately prepared and shall regularly participate in professional development
41 activities to effectively deliver the physical education program.

42 (b)(A) Notwithstanding any licensing or endorsement requirements established by the Teacher
43 Standards and Practices Commission **by rule**, a teacher with an elementary multiple subject
44 endorsement may instruct students in activities described in subsection (3)(b) of this section if the
45 activities are reviewed by a licensed teacher with a physical education endorsement.

1 (B) A teacher described in this paragraph may provide instruction in activities described in
 2 subsection (3)(b) of this section to students who are not regularly taught by the teacher as long as
 3 the instruction in the activities to students who are not regularly taught by the teacher does not
 4 exceed 45 minutes during each school week. Nothing in this subparagraph allows a school district
 5 to employ a teacher for the sole purpose of providing instruction in activities described in sub-
 6 section (3)(b) of this section.

7 (7) A school district that does not comply with the requirements of this section is considered to
 8 be nonstandard under ORS 327.103.

9 (8)(a) Notwithstanding subsection (7) of this section and pursuant to rules adopted by the State
 10 Board of Education, the Superintendent of Public Instruction may grant a waiver of the require-
 11 ments of this section to a school district or a public charter school if the superintendent finds that
 12 the school district or public charter school is unable to meet the requirements because of a
 13 human-created disaster or a natural disaster.

14 (b) A waiver granted under this subsection may be:

15 (A) In whole or in part of the requirements prescribed by this section; and

16 (B) Granted for only one school year, but may be renewed for subsequent school years based
 17 on rules adopted by the board if the school district or public charter school continues to be im-
 18 pacted by the disaster.

19 **SECTION 6.** ORS 329.603 is amended to read:

20 329.603. (1) Each school district must provide a coordinated comprehensive school counseling
 21 program to support the academic, career, personal and social development of each student and to
 22 develop the sense of community involvement for each student.

23 (2) A coordinated comprehensive program may be designed, delivered or otherwise implemented
 24 by:

25 (a) A person who is licensed by the [*Teacher Standards and Practices Commission*] **Department**
 26 **of Education** as a school counselor;

27 (b) A person who is licensed by the [*commission*] **department** as a school social worker; or

28 (c) Any combination of persons qualified to implement the program, as determined under rules
 29 adopted by the State Board of Education.

30 (3) Nothing in this section may be construed to allow a person, including but not limited to a
 31 licensed school social worker:

32 (a) Who is licensed by the [*commission*] **department** to practice outside of the scope of the
 33 person's license; or

34 (b) To practice within the scope of a license not held by that person.

35 **SECTION 7.** ORS 329.788 is amended to read:

36 329.788. As used in ORS 329.788 to 329.820:

37 (1) "Beginning administrator" means a principal or superintendent who:

38 (a) Possesses an administrative license issued by the [*Teacher Standards and Practices Commis-*
 39 *sion*] **Department of Education**;

40 (b) Is employed as a principal or superintendent by a school district; and

41 (c) Has been assigned for fewer than two school years in the administrator's present position.

42 (2) "Beginning teacher" means a teacher who:

43 (a) Possesses a teaching license issued by the [*Teacher Standards and Practices Commission*]
 44 **Department of Education**;

45 (b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and

1 (c) Has taught fewer than two school years as a licensed probationary teacher in any public,
 2 private or state-operated school in any state.

3 (3) “Educator network” means an educator network established under ORS 342.943.

4 (4) “Mentor” means an individual who:

5 (a) Is an acting or retired teacher, principal or superintendent;

6 (b) Has met established best practice and research-based criteria as defined by the Educator
 7 Advancement Council by rule;

8 (c) Possesses a teaching or administrative license issued by the [*Teacher Standards and Practices*
 9 *Commission*] **Department of Education**;

10 (d) Has successfully served for five or more years as a licensed teacher, principal or super-
 11 intendent in any public school; and

12 (e) Has been selected and trained as described in ORS 329.815.

13 (5) “Mentorship program” means a program provided by a mentor to a beginning teacher or
 14 administrator that includes, but is not limited to, direct classroom observation and consultation,
 15 assistance in instructional planning and preparation, support in implementation and delivery of
 16 classroom instruction, development of school leadership skills and other assistance intended to assist
 17 the beginning teacher or administrator to become a confident and competent professional educator
 18 who makes a positive impact on student learning.

19 **SECTION 8.** ORS 336.635 is amended to read:

20 336.635. (1) The parent or guardian of a student may enroll the student in one of the proposed
 21 public alternative education programs or private alternative education programs of instruction or
 22 instruction combined with counseling if:

23 (a) The enrollment is necessary to meet the student’s educational needs and interests.

24 (b) The program is appropriate and accessible to the student.

25 (c) For a program in a school district in which the student is a resident, the resident school
 26 district approves the enrollment.

27 (d) For a program in a school district in which the student is not a resident, the resident school
 28 district and the attending school district approve the enrollment.

29 (e) For a private alternative education program, the program is registered with the Department
 30 of Education.

31 (2) If the student is eligible for special education under ORS 343.221 to 343.236 and 343.261 to
 32 343.295, the program must be approved by the Department of Education prior to the placement of
 33 the student in the program.

34 (3) A student enrolled pursuant to this section is considered enrolled in the schools of the dis-
 35 trict offering the program for purposes of the distribution of the State School Fund.

36 (4) An alternative education program that is offered to a student who is not a resident of the
 37 school district may bill tuition to the school district where the student is a resident. The billing
 38 may be made annually or at the end of each term or semester of the alternative education program.
 39 For each full-time equivalent student enrolled in the alternative education program, the resident
 40 school district shall pay the actual cost of the program or an amount at least equivalent to 80 per-
 41 cent of the district’s estimated current year’s average per student net operating expenditure,
 42 whichever is less, in accordance with rules adopted by the State Board of Education. The alternative
 43 education program is accountable for the expenditures of all State School Fund moneys and other
 44 local school support moneys and shall provide the resident school district with an annual statement
 45 of the expenditures.

1 (5) A private alternative education program that is registered with the department is not re-
 2 quired to employ only licensed teachers or administrators. Teachers and administrators in private
 3 programs are not considered employees of any school district for purposes of ORS 342.173.

4 (6) A school district is not required to provide a public alternative education program if the
 5 student can be referred to public or approved private alternative education programs that are ap-
 6 propriate for and accessible to the student.

7 (7) Any preliminary teaching license, professional teaching license or distinguished teacher
 8 leader license issued by the [*Teacher Standards and Practices Commission*] **Department of Educa-**
 9 **tion** is valid for teaching all subjects and grade levels in an alternative education program operated
 10 by a school district or education service district.

11 **SECTION 9.** ORS 336.680, as amended by section 45, chapter 95, Oregon Laws 2024, is amended
 12 to read:

13 336.680. (1) As used in this section, “approved recovery school” means a school that is under
 14 an agreement with the Department of Education to provide students enrolled in the school with a
 15 holistic approach to:

- 16 (a) Educational services for grades 9 through 12; and
- 17 (b) Health care services related to recovery from substance use disorders.

18 (2) The department shall provide or cause to be provided appropriate education for students
 19 enrolled in an approved recovery school. For the purpose of paying the costs of providing education
 20 to students enrolled in an approved recovery school, the Superintendent of Public Instruction shall
 21 make the following:

- 22 (a) Payments from amounts available from the State School Fund under ORS 327.029.

- 23 (b) Payments from the Statewide Education Initiatives Account, as provided by rule adopted by
 24 the State Board of Education in collaboration with the advisory committee convened under ORS
 25 336.685. The rules adopted as provided by this paragraph may include a minimum amount, a maxi-
 26 mum amount or both for approved recovery schools.

27 (3) The Superintendent of Public Instruction may contract with a school district, an education
 28 service district or a public charter school to provide or cause to be provided appropriate education
 29 to students enrolled in an approved recovery school. Unless otherwise specified, any educational
 30 services provided under a contract entered into under this subsection shall be paid as described in
 31 this section and not by any other state moneys distributed based on average daily membership that
 32 are available to the school district, education service district or public charter school for the pur-
 33 pose of providing educational services.

34 (4) The State Board of Education shall adopt by rule the standards for a recovery school to
 35 become and operate as an approved recovery school. The standards must provide that:

- 36 (a) The recovery school must align, to the extent identified by the board, with standards for
 37 accreditation established by a nonprofit accrediting organization composed of representatives of re-
 38 covery schools and individuals who support the growth of recovery schools. The standards must in-
 39 clude requirements that:

- 40 (A) The recovery school, in compliance with timelines established by the department, be ac-
 41 credited by a nonprofit accrediting organization that establishes standards for recovery schools.
 42 Nothing in this subparagraph requires the recovery school to be accredited at the time the super-
 43 intendent first enters into a contract with the recovery school.

- 44 (B) Student enrollment in the recovery school is voluntary. No school district or state or local
 45 agency may compel or otherwise require a student to enroll in a recovery school. Students enrolled

1 in an approved recovery school may not be counted in determining the number of pupils in average
2 daily membership for purposes of ORS 334.175 (5).

3 (C) All students who reside in this state and who meet the eligibility criteria established under
4 subsection (8) of this section may enroll in an approved recovery school if space is available. If
5 space is not available, the approved recovery school may prioritize for enrollment student groups
6 identified in ORS 327.180 (2)(b).

7 (D) The school district, education service district or public charter school with which the de-
8 partment has entered into a contract for a recovery school must agree to award high school diplo-
9 mas, modified diplomas, extended diplomas and alternative certificates as provided by ORS 329.451
10 and 339.877. An entity that awards high school diplomas as provided by this subparagraph:

11 (i) May not impose requirements for a high school diploma that are in addition to the require-
12 ments prescribed by ORS 329.451 (2)(a) or by rule of the State Board of Education; and

13 (ii) Must accept any credits previously earned by students in another school or educational
14 program in this state and apply those credits toward the requirements prescribed by ORS 329.451
15 (2)(a) or by rule of the State Board of Education.

16 (E) Except as provided by subparagraphs (F) and (G) of this paragraph, the recovery school must
17 satisfy the same laws that apply to public charter schools under ORS 338.115.

18 (F) All administrators and teachers at the recovery school must be licensed by the [*Teacher*
19 *Standards and Practices Commission*] **Department of Education**.

20 (G) An approved recovery school is not required to comply with the enrollment requirements
21 prescribed by ORS 338.115 (1)(bb) or (5).

22 (H) An approved recovery school must comply with the requirements of the uniform budget and
23 accounting system adopted by rule of the State Board of Education under ORS 327.511.

24 (b) Recovery schools will be approved, to the greatest extent practicable, in a manner that:

25 (A) Represents a geographic distribution across this state; and

26 (B) Takes into consideration the needs for services by the community in which the recovery
27 school would be located.

28 (5) Any school that provides the services of a recovery school may enter into a contract with
29 the superintendent to become an approved recovery school, including schools already providing the
30 services of a recovery school and schools that are proposing to provide the services of a recovery
31 school.

32 (6) An approved recovery school may enter into agreements with other entities, including
33 community-based organizations and federally recognized tribes of this state, for the purposes of
34 providing educational and health care services to students enrolled in the approved recovery school.

35 (7)(a) The department shall be responsible for:

36 (A) Identifying, locating and evaluating students enrolled in an approved recovery school who
37 may be in need of special education and related services; and

38 (B) Ensuring that eligible students receive special education and related services.

39 (b) For the purpose of this subsection, the department may enter into a contract with a school
40 district or an education service district.

41 (8) The department shall establish eligibility criteria for students to enroll in an approved re-
42 recovery school, based on input from the advisory committee convened under ORS 336.685 and based
43 on research from a nonprofit organization composed of representatives of recovery schools and in-
44 dividuals who support the growth of recovery schools and other relevant organizations.

45 (9) For the purposes of administering this section:

1 (a) The State Board of Education shall adopt any necessary rules.

2 (b) The department shall collaborate with the Oregon Health Authority, the Youth Development
 3 Division, the Alcohol and Drug Policy Commission, the Oregon Youth Authority, the Department
 4 of Human Services and local public health and mental health authorities or providers and shall co-
 5 ordinate, to the greatest extent practicable, funding of services provided in relation to approved
 6 recovery schools.

7 (10) Each biennium, the Department of Education shall prepare a report on the progress, suc-
 8 cesses and challenges of approved recovery schools and submit that report to:

9 (a) The interim committees of the Legislative Assembly related to education; and

10 (b) The advisory committee convened under ORS 336.685.

11 **SECTION 10.** ORS 338.120 is amended to read:

12 338.120. (1) In addition to any other requirements of this chapter for a public charter school, a
 13 virtual public charter school must have:

14 (a) A plan for academic achievement that addresses how the school will improve student learn-
 15 ing and meet academic content standards required by ORS 329.045.

16 (b) Performance criteria the school will use to measure the progress of the school in meeting
 17 the academic performance goals set by the school for its first five years of operation.

18 (c) A plan for implementing the proposed education program of the school by directly and sig-
 19 nificantly involving parents and guardians of students enrolled in the school and involving the pro-
 20 fessional employees of the school.

21 (d) A budget, business plan and governance plan for the operation of the school.

22 (e) In the charter of the school, a requirement that the school:

23 (A) Monitor and track student progress and attendance; and

24 (B) Provide student assessments in a manner that ensures that an individual student is being
 25 assessed and that the assessment is valid.

26 (f) Notwithstanding ORS 338.135 (7), a plan to ensure that:

27 (A) All superintendents, assistant superintendents and principals of the school are licensed to
 28 administer by the [*Teacher Standards and Practices Commission*] **Department of Education**; and

29 (B) Teachers who are licensed to teach by the [*Teacher Standards and Practices Commission*]
 30 **department** teach at least 95 percent of the school's instructional hours.

31 (g) A plan for maintaining student records and school records, including financial records, at a
 32 designated central office of operations that is located:

33 (A) If the sponsor is a school district, within the school district that is the sponsor and as
 34 specified in the charter of the school; or

35 (B) If the sponsor is the State Board of Education, at a central office located in Oregon and as
 36 specified in the charter of the school.

37 (h) A plan to provide equitable access to the education program of the school by ensuring that
 38 each student enrolled in the school:

39 (A) Has access to and use of computer and printer equipment as needed;

40 (B) Is offered an Internet service cost reimbursement arrangement under which the school re-
 41 imbursees the parent or guardian of the student, at a rate set by the school, for the costs of obtaining
 42 Internet service at the minimum connection speed required to effectively access the education pro-
 43 gram provided by the school; or

44 (C) Has access to and use of computer and printer equipment and is offered Internet service cost
 45 reimbursement.

1 (i) A plan to provide access to computer and printer equipment and the Internet service cost
2 reimbursement as described in paragraph (h) of this subsection by students enrolled in the school
3 who are from families that qualify as low-income under Title I of the federal Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

5 (j) A plan to conduct school-sponsored optional educational events at least six times each school
6 year at locations selected to provide convenient access to all students enrolled in the school who
7 want to participate.

8 (k) A plan to conduct meetings at least twice a week between teachers and students enrolled
9 in the school, either in person or through the use of conference calls or other technology.

10 (L) A plan to provide opportunities for face-to-face meetings between teachers and students en-
11 rolled in the school at least six times each school year.

12 (m) A plan to provide, at the time of a student's enrollment, written notice to the sponsor and,
13 if different, to the school district where the student is a resident. Notification must be provided
14 within 10 days after enrollment and must include:

15 (A) The name, age and address of the student; and

16 (B) The name of the school in which the student was formerly enrolled.

17 (n) A plan to provide, at the time of a student's withdrawal for a reason other than graduation
18 from high school, written notice to the sponsor and, if different, to the school district where the
19 student is a resident. Notification must be provided within 10 days after withdrawal and must in-
20 clude:

21 (A) The name, age and address of the student;

22 (B) The reason the student no longer is enrolled and, if applicable, the name of the school in
23 which the student will enroll, if known to the virtual public charter school; and

24 (C) The last day on which the student was enrolled at the virtual public charter school.

25 (o) An agreement to provide a student's education records to the student's resident school dis-
26 trict or to the sponsor, upon request of the resident school district or sponsor.

27 (2) For a virtual public charter school:

28 (a) A person who is a member of the school district board for the sponsor of the virtual public
29 charter school may not be:

30 (A) An employee of the virtual public charter school;

31 (B) A member of the governing body of the virtual public charter school; or

32 (C) An employee or other representative of any third-party entity with which the virtual public
33 charter school has entered into a contract to provide educational services.

34 (b) A person who is a member of the governing body of the virtual public charter school may
35 not be an employee of a third-party entity with which the virtual public charter school has entered,
36 or intends to enter, into a contract to provide educational services.

37 (3) If a virtual public charter school enters into a contract with a third-party entity to provide
38 educational services for the virtual public charter school:

39 (a) No employee or member of the governing board of the third-party entity may attend an
40 executive session of the school district board of the school district that is the sponsor of the virtual
41 public charter school;

42 (b) An employee of the virtual public charter school may not promote the sale or benefits of
43 private supplemental services or classes offered by the third-party entity;

44 (c) The educational services provided by the third-party entity must be consistent with state
45 standards and requirements, and must be changed on the same timelines that changes are imposed

1 on the nonvirtual public charter schools of this state; and

2 (d) The virtual public charter school must have on file the third-party entity's budget for the
3 provision of educational services and that budget must itemize:

4 (A) The salaries of supervisory and management personnel and consultants who are providing
5 educational or related services for a public charter school in this state; and

6 (B) The annual operating expenses and profit margin of the third-party entity for providing ed-
7 ucational services to a public charter school in this state.

8 (4)(a) The sponsor or a member of the public may request access to any of the documents de-
9 scribed in subsections (1) and (3)(d) of this section that are public records, as provided by ORS
10 192.311 to 192.478.

11 (b) Upon request by a sponsor or a member of the public, a virtual public charter school must
12 provide reasonable access to the documents described in subsections (1) and (3)(d) of this section
13 that are public records, as provided by ORS 192.311 to 192.478. The documents may be provided
14 electronically.

15 **SECTION 11.** ORS 338.135 is amended to read:

16 338.135. (1) Employee assignment to a public charter school shall be voluntary.

17 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
18 ployer of any employees of the public charter school. If a school district board is not the sponsor
19 of the public charter school, the school district board may not be the employer of the employees of
20 the public charter school and the school district board may not collectively bargain with the em-
21 ployees of the public charter school. The public charter school governing body shall control the
22 selection of employees at the public charter school.

23 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
24 with a for-profit entity to provide educational services through the virtual public charter school, the
25 for-profit entity may not be the employer of any employees of the virtual public charter school un-
26 less:

27 (A) The employee is an administrator who does not have any teaching responsibilities; and

28 (B) Both the executive officer of the sponsor and the public charter school governing body ap-
29 prove employment by the for-profit entity. The executive officer or governing body may choose to
30 grant approval under this subparagraph:

31 (i) For all employees of the for-profit entity who meet the description in subparagraph (A) of this
32 paragraph;

33 (ii) Based on the job categories of the employees who meet the description in subparagraph (A)
34 of this paragraph; or

35 (iii) On a case-by-case basis for each employee who meets the description in subparagraph (A)
36 of this paragraph.

37 (3) The school district board of the school district within which the public charter school is lo-
38 cated shall grant a leave of absence to any employee who chooses to work in the public charter
39 school. The length and terms of the leave of absence shall be set by negotiated agreement or by
40 board policy. However, the length of the leave of absence may not be less than two years unless:

41 (a) The charter of the public charter school is terminated or the public charter school is dis-
42 solved or closed during the leave of absence; or

43 (b) The employee and the school district board have mutually agreed to a different length of
44 time.

45 (4) An employee of a public charter school operating within a school district who is granted a

1 leave of absence from the school district and returns to employment with the school district shall
 2 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.
 3 Notwithstanding ORS 243.650 to 243.809, a school district that was the employer of an employee of
 4 a public charter school not operating within the school district may make provisions for the return
 5 of the employee to employment with the school district.

6 (5)(a) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered
 7 a public employer and as such shall participate in the Public Employees Retirement System.

8 (b) For purposes of determining the salary paid to an active member of the Public Employees
 9 Retirement System under ORS 238A.005 (17) during the period between August 29, 2003, and January
 10 1, 2020, remuneration paid to a member in return for services to a public charter school is deemed
 11 includable in the member's taxable income under Oregon law during a period of continuous em-
 12 ployment with any public charter school if:

13 (A) The member was hired in a qualifying position by any public charter school on or after
 14 August 29, 2003;

15 (B) The member was informed in writing by the public charter school during the period of con-
 16 tinuous employment that the member was eligible to participate in the Public Employees Retirement
 17 System and the public charter school made contributions to the system on the member's behalf;

18 (C) The remuneration was, or would have been if the member were an Oregon resident,
 19 includable in the member's taxable income under Oregon law during the period of continuous em-
 20 ployment; and

21 (D) The member resided and performed services in the United States during the period of con-
 22 tinuous employment.

23 (c) As used in this subsection, "continuous employment" means employment with a public char-
 24 ter school that is not interrupted by a period of more than 30 consecutive calendar days.

25 (6) For teacher licensing, employment experience in public charter schools shall be considered
 26 equivalent to experience in public schools.

27 (7)(a) Any person employed as an administrator in a public charter school shall be licensed or
 28 registered to administer by the [*Teacher Standards and Practices Commission*] **Department of Ed-
 29 ucation**.

30 (b) Any person employed as a teacher in a public charter school shall be licensed or registered
 31 to teach by the [*commission*] **department**.

32 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
 33 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
 34 the [*commission*] **department** pursuant to ORS 342.125.

35 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
 36 for purposes of ORS 243.650 to 243.809. An employee of a public charter school may be a member
 37 of a labor organization or organize with other employees to bargain collectively. Bargaining units
 38 at the public charter school may be separate from other bargaining units of the sponsor or of the
 39 school district in which the public charter school is located. Employees of a public charter school
 40 may be part of the bargaining units of the sponsor or of the school district in which the public
 41 charter school is located.

42 (9) An entity described in ORS 338.005 (4) may not waive the right to sponsor a public charter
 43 school in a collective bargaining agreement.

44 **SECTION 12.** ORS 338.135, as amended by section 9, chapter 101, Oregon Laws 2024, is
 45 amended to read:

1 338.135. (1) Employee assignment to a public charter school shall be voluntary.

2 (2)(a) A public charter school or the sponsor of the public charter school is considered the em-
3 ployer of any employees of the public charter school. If a school district board is not the sponsor
4 of the public charter school, the school district board may not be the employer of the employees of
5 the public charter school and the school district board may not collectively bargain with the em-
6 ployees of the public charter school. The public charter school governing body shall control the
7 selection of employees at the public charter school.

8 (b) If a virtual public charter school or the sponsor of a virtual public charter school contracts
9 with a for-profit entity to provide educational services through the virtual public charter school, the
10 for-profit entity may not be the employer of any employees of the virtual public charter school un-
11 less:

12 (A) The employee is an administrator who does not have any teaching responsibilities; and

13 (B) Both the executive officer of the sponsor and the public charter school governing body ap-
14 prove employment by the for-profit entity. The executive officer or governing body may choose to
15 grant approval under this subparagraph:

16 (i) For all employees of the for-profit entity who meet the description in subparagraph (A) of this
17 paragraph;

18 (ii) Based on the job categories of the employees who meet the description in subparagraph (A)
19 of this paragraph; or

20 (iii) On a case-by-case basis for each employee who meets the description in subparagraph (A)
21 of this paragraph.

22 (3) The school district board of the school district within which the public charter school is lo-
23 cated shall grant a leave of absence to any employee who chooses to work in the public charter
24 school. The length and terms of the leave of absence shall be set by negotiated agreement or by
25 board policy. However, the length of the leave of absence may not be less than two years unless:

26 (a) The charter of the public charter school is terminated or the public charter school is dis-
27 solved or closed during the leave of absence; or

28 (b) The employee and the school district board have mutually agreed to a different length of
29 time.

30 (4) An employee of a public charter school operating within a school district who is granted a
31 leave of absence from the school district and returns to employment with the school district shall
32 retain seniority and benefits as an employee pursuant to the terms of the leave of absence.
33 Notwithstanding ORS 243.650 to 243.809, a school district that was the employer of an employee of
34 a public charter school not operating within the school district may make provisions for the return
35 of the employee to employment with the school district.

36 (5)(a) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered
37 a public employer and as such shall participate in the Public Employees Retirement System.

38 (b) For purposes of determining the salary paid to an active member of the Public Employees
39 Retirement System under ORS 238A.005 (18) during the period between August 29, 2003, and January
40 1, 2020, remuneration paid to a member in return for services to a public charter school is deemed
41 includable in the member's taxable income under Oregon law during a period of continuous em-
42 ployment with any public charter school if:

43 (A) The member was hired in a qualifying position by any public charter school on or after
44 August 29, 2003;

45 (B) The member was informed in writing by the public charter school during the period of con-

1 tinuous employment that the member was eligible to participate in the Public Employees Retirement
2 System and the public charter school made contributions to the system on the member's behalf;

3 (C) The remuneration was, or would have been if the member were an Oregon resident,
4 includable in the member's taxable income under Oregon law during the period of continuous em-
5 ployment; and

6 (D) The member resided and performed services in the United States during the period of con-
7 tinuous employment.

8 (c) As used in this subsection, "continuous employment" means employment with a public char-
9 ter school that is not interrupted by a period of more than 30 consecutive calendar days.

10 (6) For teacher licensing, employment experience in public charter schools shall be considered
11 equivalent to experience in public schools.

12 (7)(a) Any person employed as an administrator in a public charter school shall be licensed or
13 registered to administer by the [*Teacher Standards and Practices Commission*] **Department of Ed-**
14 **ucation.**

15 (b) Any person employed as a teacher in a public charter school shall be licensed or registered
16 to teach by the [*commission*] **department.**

17 (c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time
18 equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by
19 the [*commission*] **department** pursuant to ORS 342.125.

20 (8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district
21 for purposes of ORS 243.650 to 243.809. An employee of a public charter school may be a member
22 of a labor organization or organize with other employees to bargain collectively. Bargaining units
23 at the public charter school may be separate from other bargaining units of the sponsor or of the
24 school district in which the public charter school is located. Employees of a public charter school
25 may be part of the bargaining units of the sponsor or of the school district in which the public
26 charter school is located.

27 (9) An entity described in ORS 338.005 (4) may not waive the right to sponsor a public charter
28 school in a collective bargaining agreement.

29 **SECTION 13.** ORS 339.250 is amended to read:

30 339.250. (1) Public school students shall comply with rules for the government of such schools,
31 pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' au-
32 thority.

33 (2) Each district school board shall adopt written policies for the discipline, suspension or ex-
34 pulsion of any refractory student. The policies:

35 (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited
36 to:

37 (A) Willful disobedience;

38 (B) Open defiance of the authority of a school employee;

39 (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;

40 (D) Use or display of profane or obscene language;

41 (E) Willful damage or injury to school property;

42 (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;

43 (G) Assault of a school employee or another student; or

44 (H) Intentional attempts, by word or conduct, to place a school employee or another student in
45 fear of imminent serious physical injury.

1 (b) Must require consideration of the age of a student and the past pattern of behavior of a
2 student prior to imposing the suspension or expulsion of a student.

3 (c) Must limit the use of expulsion to the following circumstances:

4 (A) For conduct that poses a threat to the health or safety of students or school employees;

5 (B) When other strategies to change student conduct have been ineffective, except that expul-
6 sion may not be used to address truancy; or

7 (C) When the expulsion is required by law.

8 (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who
9 is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the fol-
10 lowing circumstances:

11 (A) For nonaccidental conduct causing serious physical harm to a student or school employee;

12 (B) When a school administrator determines, based upon the administrator's observation or upon
13 a report from a school employee, that the student's conduct poses a direct threat to the health or
14 safety of students or school employees; or

15 (C) When the suspension or expulsion is required by law.

16 (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this sub-
17 section, must require the school district to take steps to prevent the recurrence of the behavior that
18 led to the out-of-school suspension and return the student to a classroom setting so that the dis-
19 ruption of the student's academic instruction is minimized.

20 (f) Must be limited so that:

21 (A) The duration of an expulsion may not be more than one calendar year.

22 (B) The duration of a suspension may not be more than 10 school days.

23 (g) Notwithstanding ORS 336.010, may require a student to attend school during nonschool hours
24 as an alternative to suspension if the total number of hours does not exceed the equivalent of 10
25 school days.

26 (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school
27 district shall develop a student handbook, code of conduct or other document that:

28 (a) Defines and helps create a learning environment that students respect;

29 (b) Defines acceptable norms of behavior for students and the types of behavior that are subject
30 to discipline;

31 (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety
32 of students or employees of the school;

33 (d) Establishes a system of consequences that are designed to correct student misconduct and
34 promote behavior within acceptable norms; and

35 (e) Makes the system of consequences known to the school community through the dissemination
36 of information to students, parents, legal guardians and school district employees.

37 (4) Each district school board shall adopt written policies on managing students who threaten
38 violence or harm in public schools. The policies adopted by a district school board under this section
39 shall include all of the following:

40 (a) Staff reporting methods.

41 (b) Provisions that allow an administrator to consider and implement any of the following
42 options:

43 (A) Immediately removing from the classroom setting any student who has threatened to injure
44 another person or to severely damage school property.

45 (B) Placing the student in a setting where the behavior will receive immediate attention, in-

1 cluding, but not limited to, the office of the school principal, vice principal, assistant principal,
2 counselor or a school psychologist licensed by the [*Teacher Standards and Practices Commission*]
3 **Department of Education** or the office of any licensed mental health professional.

4 (C) Requiring that a school obtain an evaluation of a student by a licensed mental health pro-
5 fessional before allowing the student to return to the classroom setting. A student who is removed
6 from the classroom setting for an evaluation may not be removed for more than 10 school days un-
7 less the administrator is able to show good cause that an evaluation could not be completed in that
8 time period. The policy must describe the circumstances under which the district school board may
9 enter into contracts with licensed mental health professionals to perform any evaluations required
10 under this subparagraph.

11 (c) The requirement that an administrator provide to the parent or legal guardian of the student
12 notification that describes the student's behavior and the school's response.

13 (d) A provision for the allocation of any funds necessary for the school district to implement the
14 policies described in this subsection.

15 (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school
16 board shall ensure that the policy is designed to:

17 (a) Protect students and school employees from harm;

18 (b) Provide opportunities for students to learn from their mistakes;

19 (c) Foster positive learning communities;

20 (d) Keep students in school and attending class;

21 (e) Impose disciplinary sanctions without bias against students from a protected class, as defined
22 in ORS 339.351;

23 (f) Implement a graduated set of age-appropriate responses to misconduct that are fair,
24 nondiscriminatory and proportionate in relation to each student's individual conduct;

25 (g) Employ a range of strategies for prevention, intervention and discipline that take into ac-
26 count a student's developmental capacities and that are proportionate to the degree and severity
27 of the student's misbehavior;

28 (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction
29 or instruction combined with counseling for the student that are appropriate and accessible to the
30 student in the following circumstances:

31 (A) Following a second or subsequent occurrence within any three-year period of a severe dis-
32 ciplinary problem with the student; or

33 (B) When a parent or legal guardian applies for the student's exemption from compulsory at-
34 tendance on a semiannual basis as provided in ORS 339.030 (2);

35 (i) To the extent practicable, use approaches that are shown through research to be effective in
36 reducing student misbehavior and promoting safe and productive social behavior; and

37 (j) Ensure that school conduct and discipline codes comply with all state and federal laws con-
38 cerning the education of students with disabilities.

39 (6) Except for policies adopted under subsection (7) of this section, any policies adopted under
40 this section must provide for the dissemination of information about alternative programs of in-
41 struction or instruction combined with counseling, as described in subsection (5)(h) of this section,
42 in writing to the student and the parent, legal guardian or person in parental relationship with the
43 student at least once every six months, unless the information has changed because of the avail-
44 ability of new programs.

45 (7) Each district school board shall adopt a written policy involving firearms, as defined in 18

1 U.S.C. 921. The policy shall:

2 (a) Require expulsion from school for a period of not less than one year of any student who is
3 determined to have:

4 (A) Brought a firearm to a school, to school property under the jurisdiction of the school district
5 or to an activity under the jurisdiction of the school district;

6 (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction
7 of the school district or at an activity under the jurisdiction of the school district; or

8 (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity adminis-
9 tered by a voluntary organization.

10 (b) Allow exceptions:

11 (A) For courses, programs and activities approved by the school district that are conducted on
12 school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps
13 programs, firearm-related sports or firearm-related vocational courses; and

14 (B) Identified by and adopted by the State Board of Education by rule.

15 (c) Allow a superintendent of a school district to:

16 (A) Modify the expulsion requirement for a student on a case-by-case basis.

17 (B) Propose alternative programs of instruction or instruction combined with counseling for a
18 student that are appropriate and accessible to the student. If alternative programs are appropriate
19 for a student, the superintendent shall ensure that information about programs of instruction or in-
20 struction combined with counseling is provided in writing to the student and the parent, legal
21 guardian or person in parental relationship with the student at least once every six months, or at
22 any time the information changes because of the availability of new programs.

23 (d) Require a referral to the appropriate law enforcement agency of any student who is expelled
24 under this subsection.

25 (e) Require an annual reporting to the Department of Education of the name of each school that
26 had an expulsion under this subsection and the number of students expelled from each school.

27 (8) Each district school board shall adopt and disseminate written policies for the use of physical
28 force upon a student. The policies must allow an individual who is a teacher, administrator, school
29 employee or school volunteer to use reasonable physical force upon a student when and to the ex-
30 tent the application of force is consistent with ORS 339.285 to 339.303.

31 (9)(a) The authority to discipline a student does not authorize the infliction of corporal punish-
32 ment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public
33 charter school or the Department of Education that permits or authorizes the infliction of corporal
34 punishment upon a student is void and unenforceable.

35 (b) As used in this subsection:

36 (A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of,
37 physical pain on a student.

38 (B) "Corporal punishment" does not include:

39 (i) The use of physical force authorized by ORS 161.205 (2), (4) or (5) for the reasons specified
40 therein; or

41 (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition
42 or other such recreational activity, voluntarily engaged in by a student.

43 (10) For purposes of this section, calculations of the number of school days that a student is
44 removed from a classroom setting shall be as follows:

45 (a) As a half day if the student is out of school for half, or less than half, of the scheduled school

1 day; and

2 (b) As a full day if the student is out of school for more than half of the scheduled school day.

3 **SECTION 14.** ORS 339.370, as amended by section 1, chapter 45, Oregon Laws 2024, is amended
4 to read:

5 339.370. As used in ORS 339.370 to 339.400:

6 (1) “Abuse” has the meaning given that term in ORS 419B.005.

7 (2) “Agent” means a person acting as an agent for an education provider in a manner that re-
8 quires the person to have direct, unsupervised contact with students.

9 [(3) “Commission licensee” has the meaning given that term in ORS 342.120.]

10 [(4)] (3) “Contractor” means a person providing services to an education provider under a con-
11 tract in a manner that requires the person to have direct, unsupervised contact with students.

12 (4) **“Department licensee” has the meaning given that term in ORS 342.120.**

13 (5)(a) “Education provider” means:

14 (A) A school district, as defined in ORS 332.002.

15 (B) The Oregon School for the Deaf.

16 (C) An educational program under the Youth Corrections Education Program.

17 (D) A public charter school, as defined in ORS 338.005.

18 (E) An education service district, as defined in ORS 334.003.

19 (F) An approved recovery school, as defined in ORS 336.680.

20 (G) Any state-operated program that provides educational services to students.

21 (H) A private school.

22 (b) “Education provider” does not include:

23 (A) The Oregon Youth Authority;

24 (B) The Department of Corrections; or

25 (C) The Department of Education, except when functioning as an education provider on behalf
26 of the Oregon School for the Deaf.

27 (6) “Investigation” means a detailed inquiry into the factual allegations of a report of suspected
28 abuse or suspected sexual conduct that:

29 (a) Is based on interviews with the person who initiated the report, the person who may have
30 been subjected to abuse or sexual conduct, witnesses and the person who is the subject of the re-
31 port; and

32 (b) Results in a finding that the report:

33 (A) Is a substantiated report;

34 (B) Cannot be substantiated; or

35 (C) Is not a report of abuse or sexual conduct.

36 (7) “Law enforcement agency” has the meaning given that term in ORS 419B.005.

37 (8) “Licensed administrator” means a person who is employed as an administrator of an educa-
38 tion provider and who:

39 (a) Holds an administrative license issued by the [*Teacher Standards and Practices Commission*]
40 **Department of Education** under ORS 342.125 (3)(f) or (g); or

41 (b) Does not hold an administrative license issued by the [*commission*] **department** because the
42 person is employed by an education provider that does not require administrators to be licensed by
43 the [*commission*] **department**.

44 (9) “Private school” means a school that provides to students instructional programs that are
45 not limited solely to dancing, drama, music, religious or athletic instruction.

1 (10) "School board" means the entity charged with adopting policies for an education provider.

2 (11) "School employee" means an employee of an education provider.

3 (12)(a) "Sexual conduct" means verbal or physical conduct or verbal, written or electronic
4 communications by a school employee, a contractor, an agent or a volunteer that involve a student
5 and that are:

6 (A) Sexual advances or requests for sexual favors directed toward the student; or

7 (B) Of a sexual nature that are directed toward the student or that have the effect of unrea-
8 sonably interfering with the student's educational performance, or of creating an intimidating or
9 hostile educational environment.

10 (b) "Sexual conduct" does not include:

11 (A) Touching or other physical contact:

12 (i) That is necessitated by the nature of the school employee's job duties or by the services re-
13 quired to be provided by the contractor, agent or volunteer; and

14 (ii) For which there is no sexual intent.

15 (B) Verbal, written or electronic communications that are provided as part of an education
16 program that meets state educational standards or a policy approved by the school board.

17 (C) Conduct or communications described in paragraph (a) of this subsection if the school em-
18 ployee, contractor, agent or volunteer is also a student and the conduct or communications:

19 (i) Arise out of a consensual relationship between students;

20 (ii) Do not create an intimidating or hostile educational environment; and

21 (iii) Are not prohibited by law, any policies of the education provider or any applicable em-
22 ployment agreements.

23 (13) "Student" means any person:

24 (a) Who is:

25 (A) In any grade from prekindergarten through grade 12; or

26 (B) Twenty-one years of age or younger and receiving educational or related services from an
27 education provider that is not a post-secondary institution of education; or

28 (b) Who was previously known as a student by the person engaging in sexual conduct and who
29 left school or graduated from high school within one calendar year prior to the sexual conduct.

30 (14) "Substantiated report" means a report of abuse or sexual conduct that a law enforcement
31 agency, the Department of Human Services, [*the Teacher Standards and Practices Commission,*] the
32 Department of Education or an education provider has reasonable cause to believe, based on the
33 available evidence after conducting an investigation, is founded.

34 (15) "Volunteer" means a person acting as a volunteer for an education provider in a manner
35 that requires the person to have direct, unsupervised contact with students.

36 **SECTION 15.** ORS 339.372 is amended to read:

37 339.372. Each school board shall adopt policies on the reporting of suspected abuse and sus-
38 pected sexual conduct by school employees, contractors, agents and volunteers and the reporting
39 of suspected abuse by students. The policies shall:

40 (1) Specify that abuse and sexual conduct by school employees, contractors, agents and volun-
41 teers and abuse by students are not tolerated.

42 (2) Specify that all school employees, contractors, agents, volunteers and students are subject
43 to the policies.

44 (3) Require all school employees who have reasonable cause to believe that another school em-
45 ployee or a contractor, an agent or a volunteer has engaged in abuse or sexual conduct or that a

1 student has engaged in abuse to report:

2 (a) To the licensed administrator designated as provided by subsection (4) of this section all in-
3 cidents of suspected abuse or suspected sexual conduct; and

4 (b) To a law enforcement agency or the Department of Human Services as required by ORS
5 419B.010 and 419B.015 all incidents of suspected abuse, in addition to any report made as required
6 under paragraph (a) of this subsection.

7 (4) Designate a licensed administrator, and an alternate licensed administrator in the event the
8 designated licensed administrator is the suspected abuser, to:

9 (a) Receive reports of suspected abuse or suspected sexual conduct by school employees, con-
10 tractors, agents or volunteers or suspected abuse by students and specify the procedures to be fol-
11 lowed by the licensed administrator upon receipt of a report; and

12 (b) In the manner required by ORS 339.388 (2), inform [*the Teacher Standards and Practices*
13 *Commission or*] the Department of Education of reports of suspected sexual conduct received under
14 paragraph (a) of this subsection.

15 (5) Specify the procedures to be followed after a report of suspected abuse or suspected sexual
16 conduct is received, including notification that:

17 (a) All suspected abuse or suspected sexual conduct by school employees, contractors, agents
18 or volunteers will be reported to a law enforcement agency or to a state agency, as appropriate, for
19 investigation;

20 (b) A law enforcement agency or a state agency will complete an investigation regardless of any
21 changes in the relationship or duties of the person about whom the report was made; and

22 (c) An education provider will take necessary actions as provided by ORS 339.388 to ensure the
23 student's safety after a report is received, including placing a school employee on paid administra-
24 tive leave pending an investigation or prohibiting a contractor, an agent or a volunteer from pro-
25 viding services to the education provider.

26 (6) Require the posting in each school building of:

27 (a) The name and contact information for the licensed administrator and alternate licensed ad-
28 ministrator designated for the school building to receive reports of suspected abuse or suspected
29 sexual conduct by school employees, contractors, agents and volunteers or suspected abuse by stu-
30 dents and the procedures the licensed administrator will follow upon receipt of a report; and

31 (b) The contact information for making a report of suspected abuse to a law enforcement agency
32 or the Department of Human Services as required by ORS 419B.010 and 419B.015 and a statement
33 that the duty to report abuse is in addition to any requirement to make a report to a licensed ad-
34 ministrator.

35 (7) Specify that the initiation of a report in good faith about suspected abuse or suspected sexual
36 conduct may not adversely affect any terms or conditions of employment or the work environment
37 of the person who initiated the report or who may have been subjected to abuse or sexual conduct.

38 (8) Specify that the education provider or any school employee, contractor, agent or volunteer
39 will not discipline a student for the initiation of a report in good faith about suspected abuse or
40 suspected sexual conduct by a school employee, a contractor, an agent or a volunteer or suspected
41 abuse by a student.

42 (9) Require notification, as allowed by state and federal law, by the education provider to the
43 person who was subjected to the suspected abuse or suspected sexual conduct about any actions
44 taken by the education provider based on the report.

45 (10) Require the education provider to furnish to a school employee at the time of hire, or to a

1 contractor, an agent or a volunteer at the time of beginning service for the education provider, the
2 following:

3 (a) A description of conduct that may constitute abuse or sexual conduct;

4 (b) A description of the investigatory process and possible consequences if a report of suspected
5 abuse or suspected sexual conduct is substantiated; and

6 (c) A description of the prohibitions imposed on school employees, contractors and agents when
7 another school employee, contractor or agent attempts to obtain a new job, as provided by ORS
8 339.378 (2).

9 (11) Specify and make available to students, school employees, contractors, agents and volun-
10 teers a policy of appropriate electronic communications with students.

11 **SECTION 16.** ORS 339.374 is amended to read:

12 339.374. (1) Except as provided in ORS 339.384, before an education provider may hire an ap-
13 plicant for a position with the education provider as a school employee, the education provider shall:

14 (a) Require the applicant to provide:

15 (A) A list of the applicant's current and former employers who are education providers.

16 (B) A written authorization that authorizes education providers identified in subparagraph (A)
17 of this paragraph to disclose the information requested under paragraph (b) of this subsection.

18 (C) A written statement of whether the applicant:

19 (i) Has been the subject of a substantiated report of abuse or sexual conduct; or

20 (ii) Is the subject of an ongoing investigation related to a report of suspected abuse or suspected
21 sexual conduct.

22 (b) Conduct a review of the employment history of the applicant with education providers by
23 contacting the three most recent education providers identified in paragraph (a)(A) of this sub-
24 section and requesting from each education provider:

25 (A) The dates of employment of the applicant by the education provider.

26 (B) Whether the education provider conducted an investigation and determined that the appli-
27 cant was the subject of any substantiated reports of abuse or sexual conduct related to the
28 applicant's employment with the education provider and, if so, the following additional information:

29 (i) The dates of any substantiated reports;

30 (ii) The definitions of "abuse" and "sexual conduct" used by the education provider when the
31 education provider determined that any reports were substantiated; and

32 (iii) The standards used by the education provider to determine whether any reports were sub-
33 stantiated.

34 (c) For an applicant who is a [commission] **department** licensee, request the [commission] **De-**
35 **partment of Education** to verify:

36 (A) That the applicant is a [commission] **department** licensee; and

37 (B) Whether the [commission] **department** has an ongoing investigation or has a substantiated
38 report relating to conduct by the applicant that may constitute sexual conduct.

39 (d) For an applicant who is not a [commission] **department** licensee, request the department
40 [of Education] to verify whether the department has an ongoing investigation or has a substantiated
41 report relating to conduct by the applicant that may constitute sexual conduct.

42 (e) Conduct a nationwide criminal records check if required by ORS 326.603.

43 (2) Before an education provider may accept the services of a contractor, agent or volunteer,
44 the education provider shall:

45 (a) For a person who is a [commission] **department** licensee, request the [commission] **depart-**

1 **ment** to verify whether the [commission] **department** has an ongoing investigation or has a sub-
 2 stantiated report relating to conduct by the person that may constitute sexual conduct.

3 (b) For a person who is not a [commission] **department** licensee, request the department [of
 4 *Education*] to verify whether the department has an ongoing investigation or has a substantiated
 5 report relating to conduct by the person that may constitute sexual conduct.

6 (c) Conduct any background checks required under ORS 326.603, 326.604 or 326.607.

7 **SECTION 17.** ORS 339.378 is amended to read:

8 339.378. (1)(a) Not later than 20 days after receiving a request under ORS 339.374 (1)(b), an ed-
 9 ucation provider that has or has had an employment relationship with the applicant shall disclose
 10 the information requested.

11 (b) An education provider may disclose the information on a standardized form and is not re-
 12 quired to provide any additional information related to a substantiated report of abuse or sexual
 13 conduct other than the information that is required by ORS 339.374 (1)(b).

14 (c) Information received under this section is confidential and is not a public record as defined
 15 in ORS 192.311. An education provider may use the information only for the purpose of evaluating
 16 an applicant's eligibility to be hired.

17 (2)(a) Except as provided by paragraphs (b) and (c) of this subsection, an individual who is a
 18 school employee, a contractor or an agent may not assist another school employee, contractor or
 19 agent in obtaining any new job if the individual knows, or has reasonable cause to believe, that the
 20 school employee, contractor or agent engaged in abuse or sexual conduct.

21 (b) Nothing in paragraph (a) of this subsection prevents an education provider from:

22 (A) Disclosing the information described in subsection (1) of this section; or

23 (B) Providing the routine transmission of administrative and personnel files.

24 (c) The prohibition prescribed by paragraph (a) of this subsection does not apply if the school
 25 employee, contractor or agent knows, or has reasonable cause to believe:

26 (A) That the suspected abuse or suspected sexual conduct was reported to a law enforcement
 27 agency, the Department of Human Services[, *the Teacher Standards and Practices Commission*] or the
 28 Department of Education; and

29 (B) Any of the following are true:

30 (i) The report could be neither substantiated nor found to be unsubstantiated following an in-
 31 vestigation;

32 (ii) The report was found to be unsubstantiated;

33 (iii) The report was found to be a substantiated report; or

34 (iv) The investigation into the report remains ongoing after four years.

35 (3)(a) The **Teacher Standards and Practices** Commission may take disciplinary action against
 36 a school employee who is a [commission] **department** licensee for failure to disclose information as
 37 required by subsection (1)(a) of this section. In determining whether to take disciplinary action, the
 38 commission may take into consideration any evidence presented by the school employee that a
 39 longer period of time was necessary for good cause.

40 (b) Any violation of the provisions of subsection (2) of this section shall be considered gross
 41 neglect of duty under ORS 342.175.

42 **SECTION 18.** ORS 339.388 is amended to read:

43 339.388. (1)(a) A school employee shall immediately submit a report as provided by paragraph (b)
 44 of this subsection if the school employee has reasonable cause to believe that:

45 (A) A student has been subjected to abuse by another school employee or by a contractor, an

1 agent, a volunteer or a student;

2 (B) A student has been subjected to sexual conduct by another school employee or by a con-
3 tractor, an agent or a volunteer; or

4 (C) Another school employee or a contractor, an agent or a volunteer has engaged in sexual
5 conduct.

6 (b) The report required under paragraph (a) of this subsection shall be made to:

7 (A) The licensed administrator designated in the policies adopted under ORS 339.372, for all
8 reports of suspected abuse or suspected sexual conduct; and

9 (B) A law enforcement agency or the Department of Human Services as required by ORS
10 419B.010 and 419B.015, for all reports of suspected abuse.

11 (2) The licensed administrator who receives a report under subsection (1) of this section shall
12 follow the procedures required by the policies adopted by the school board under ORS 339.372,
13 including[.]

14 [(a) *Notifying the Teacher Standards and Practices Commission as soon as possible of any reports*
15 *of suspected sexual conduct that may have been committed by a person who is a commission licensee;*
16 *and]*

17 [(b)] notifying the Department of Education as soon as possible of any reports of suspected sex-
18 ual conduct [*that may have been committed by a person who is not a commission licensee*].

19 (3)(a) When a licensed administrator receives a report of suspected abuse or suspected sexual
20 conduct by a school employee and there is reasonable cause to support the report, the education
21 provider shall:

22 (A) Place the school employee on paid administrative leave; and

23 (B) Take necessary actions to ensure the student's safety.

24 (b) A school employee who is placed on paid administrative leave under paragraph (a) of this
25 subsection shall remain on administrative leave until:

26 (A) For a report of suspected abuse, a law enforcement agency or the Department of Human
27 Services determines that the report:

28 (i) Is substantiated and the education provider takes the appropriate employment action against
29 the school employee; or

30 (ii) Cannot be substantiated or is not a report of abuse and the education provider:

31 (I) Determines that an employment policy has been violated and takes appropriate employment
32 action against the school employee; or

33 (II) Determines that an employment policy has not been violated and employment action against
34 the school employee is not required.

35 (B) For a report of suspected sexual conduct, [*the Teacher Standards and Practices Commission*
36 *or]* the Department of Education determines that the report:

37 (i) Is substantiated and the education provider takes the appropriate employment action against
38 the school employee; or

39 (ii) Cannot be substantiated or is not a report of sexual conduct and the education provider:

40 (I) Determines that an employment policy has been violated and takes appropriate employment
41 action against the school employee; or

42 (II) Determines that an employment policy has not been violated and that employment action
43 against the school employee is not required.

44 (c) When a school employee is placed on paid administrative leave under paragraph (a) of this
45 subsection, the education provider may not require the school employee to use any accrued leave

1 during the paid administrative leave.

2 (4)(a) Except as provided in paragraph (c) of this subsection, when a licensed administrator re-
 3 ceives a report of suspected abuse or suspected sexual conduct by a contractor, an agent or a vol-
 4 unteer, the education provider:

5 (A) May immediately prohibit the contractor, agent or volunteer from providing services to the
 6 education provider.

7 (B) Shall prohibit the contractor, agent or volunteer from providing services to the education
 8 provider if the education provider determines that there is reasonable cause to support a report of
 9 abuse or sexual conduct.

10 (b) Except as provided in paragraph (c) of this subsection, an education provider is not required
 11 to reinstate a contractor, an agent or a volunteer. Any reinstatement of a contractor, an agent or
 12 a volunteer that does occur may not occur until:

13 (A) For a report of suspected abuse, a law enforcement agency or the Department of Human
 14 Services determines that the report:

15 (i) Is substantiated and the education provider takes the appropriate actions to protect students;
 16 or

17 (ii) Cannot be substantiated or is not a report of abuse and the education provider:

18 (I) Takes the appropriate actions to protect students; or

19 (II) Determines that no other actions are required to protect students.

20 (B) For a report of suspected sexual conduct, [*the Teacher Standards and Practices Commission*
 21 *or*] the Department of Education determines that the report:

22 (i) Is substantiated and the education provider takes the appropriate actions to protect students;
 23 or

24 (ii) Cannot be substantiated or is not a report of sexual conduct and the education provider:

25 (I) Takes the appropriate actions to protect students; or

26 (II) Determines that no other actions are required to protect students.

27 (c) If a contract under which a contractor provides services to an education provider or an
 28 agreement under which an agent provides services to an education provider sets forth any negoti-
 29 ated standards for the relationship between the contractor or agent and the education provider, the
 30 education provider shall comply with those standards but may not in any instance grant the con-
 31 tractor or agent more rights than granted to a school employee under subsection (3) of this section.

32 (d) Nothing in this subsection:

33 (A) Establishes an employment relationship between an education provider and a contractor or
 34 an agent; or

35 (B) Confers onto a contractor or an agent any rights of employment.

36 (5)(a) When a report of suspected abuse or suspected sexual conduct is investigated by a law
 37 enforcement agency, the Department of Human Services[, *the Teacher Standards and Practices*
 38 *Commission*] or the Department of Education, an education provider may use the findings of the
 39 entity that conducted the investigation for the purpose of subsection (3) or (4) of this section and
 40 for making any determinations described in subsection (6) of this section.

41 (b) Nothing in this subsection prohibits an education provider from:

42 (A) Conducting an investigation related to a report of suspected abuse or suspected sexual
 43 conduct, except that the education provider must:

44 (i) If requested, allow the investigation to be led by an entity identified in paragraph (a) of this
 45 subsection, as applicable;

1 (ii) Follow any protocols and procedures of entities identified in paragraph (a) of this subsection
2 that are involved in the investigation; and

3 (iii) Cooperate with the entities identified in paragraph (a) of this subsection that are involved
4 in the investigation, including by:

5 (I) Suspending any investigations of the education provider at the request of the entity; and

6 (II) Sharing information with the entity as provided by subsection (10) of this section.

7 (B) Taking an employment action, based on information available to the education provider, be-
8 fore an investigation conducted by an entity identified in paragraph (a) of this subsection is com-
9 pleted.

10 (6)(a) For each report of suspected abuse or suspected sexual conduct by a school employee, an
11 education provider must determine if:

12 (A) An employment policy of the education provider was violated; and

13 (B) The education provider will take any employment actions, including disciplinary action
14 against the school employee or changes to the employment relationship or duties of the school em-
15 ployee.

16 (b) Determinations made under paragraph (a) of this subsection must be based on the findings
17 of an investigation conducted by:

18 (A) A law enforcement agency, the Department of Human Services[, *the Teacher Standards and*
19 *Practices Commission*] or the Department of Education; or

20 (B) The education provider, if the education provider conducts an investigation.

21 (c) A final determination by a law enforcement agency, the Department of Human Services[, *the*
22 *Teacher Standards and Practices Commission*] or the Department of Education that a report of sus-
23 pected abuse or suspected sexual conduct cannot be substantiated or is not a report of abuse or
24 sexual conduct does not:

25 (A) Relieve an education provider of the requirement to make determinations under paragraph
26 (a) of this subsection; or

27 (B) Prohibit an education provider from taking any employment actions against a school em-
28 ployee.

29 (d) Except as provided by paragraph (e) of this subsection, determinations made under paragraph
30 (a) of this subsection must be made:

31 (A) Within 60 calendar days from the date the education provider received from a law enforce-
32 ment agency, the Department of Human Services[, *the Teacher Standards and Practices*
33 *Commission*] or the Department of Education a final determination that a report of suspected abuse
34 or suspected sexual conduct involving a school employee is a substantiated report; or

35 (B) Within 90 calendar days from the date the education provider:

36 (i) Received from a law enforcement agency, the Department of Human Services[, *the Teacher*
37 *Standards and Practices Commission*] or the Department of Education a final determination that a
38 report of suspected abuse or suspected sexual conduct involving a school employee cannot be sub-
39 stantiated or is not a report of abuse or sexual conduct; or

40 (ii) Received a report of suspected abuse or suspected sexual conduct if the education provider
41 conducts an investigation.

42 (e) The timelines prescribed by paragraph (d) of this subsection may be extended if, for good
43 cause, a longer period of time is necessary. For an education provider that conducts an investi-
44 gation, good cause may include suspending an investigation as required by subsection (5)(b) of this
45 section.

1 (7) If, in the course of an investigation by an education provider, the education provider becomes
 2 aware of new information that gives rise to a reasonable cause to believe that abuse or sexual
 3 conduct occurred, the education provider shall ensure that a report is made to a law enforcement
 4 agency or the Department of Human Services as required by ORS 419B.010 and 419B.015[, *the*
 5 *Teacher Standards and Practices Commission*] or the Department of Education.

6 (8) If, following an investigation, an education provider determines that the education provider
 7 will take an employment action, the education provider shall:

8 (a) Inform the school employee of the employment action that will be taken by the education
 9 provider.

10 (b) Provide the school employee with information about the appropriate appeal process for the
 11 employment action taken by the education provider. The appeal process may be the process provided
 12 by a collective bargaining agreement or a process administered by a neutral third party and paid
 13 for by the education provider.

14 (c) Following notice of a school employee's decision not to appeal the employment action of an
 15 education provider or following the determination of an appeal that sustained the employment action
 16 taken by the education provider, create a record of the findings of the substantiated report and the
 17 employment action taken by the education provider and place the record in any documents main-
 18 tained by the education provider on the school employee. Records created pursuant to this para-
 19 graph are confidential and are not public records as defined in ORS 192.311. An education provider
 20 may use the record as a basis for providing the information required to be disclosed about a school
 21 employee under ORS 339.378 (1).

22 (d) Inform the school employee that information about substantiated reports may be disclosed
 23 to a potential employer as provided by ORS 339.378 (1).

24 (9)(a) Notwithstanding the requirements of this section, an education provider that is a private
 25 school:

26 (A) May take an employment action in relation to a school employee, a contractor, an agent or
 27 a volunteer according to:

28 (i) The provisions of this section; or

29 (ii) The standards and policies of the private school if the standards and policies provide the
 30 same or greater safeguards for the protection of students compared to the safeguards described in
 31 this section.

32 (B) May follow the procedures described in subsection (8) of this section or may follow any ap-
 33 peals process established by the private school related to suspected abuse or suspected sexual con-
 34 duct.

35 (b) A private school that chooses to take an employment action or other action in relation to
 36 a school employee, a contractor, an agent or a volunteer according to the standards and policies
 37 of the private school must provide the information required to be disclosed under ORS 339.378 (1).

38 (10) Upon request from a law enforcement agency, the Department of Human Services[, *the*
 39 *Teacher Standards and Practices Commission*] or the Department of Education, in conducting an in-
 40 vestigation related to suspected abuse or suspected sexual conduct, an education provider shall im-
 41 mediately provide any requested documents or materials, to the extent allowed by state and federal
 42 law, including laws protecting a person from self-incrimination.

43 **SECTION 19.** ORS 339.389 is amended to read:

44 339.389. (1) When the Department of Education receives from the Department of Human Services
 45 notification of a report of abuse or receives a report on the outcomes of an investigation of abuse,

1 as provided by ORS 419B.019 or 419B.020, and the notification or report involves a child and a
 2 person who is a school employee, contractor, agent or volunteer, the Department of Education may
 3 notify, as soon as practicable, any education provider that the Department of Education determines
 4 must be notified to ensure the safety of children.

5 (2) When providing notice to an education provider under subsection (1) of this section, the
 6 Department of Education:

7 (a) Shall include any information the department determines is necessary to ensure the safety
 8 of children, including the name of the school and the name of the person who allegedly committed
 9 the suspected abuse.

10 (b) May not disclose the name and address of, or any other identifying information about, the
 11 person who made the report of suspected abuse.

12 (3) The Department of Education may provide information related to the notification or report
 13 received as described in subsection (1) of this section to the Teacher Standards and Practices
 14 Commission if the department determines that[.]

15 [(a) *The commission must be notified to ensure the safety of children; and*]

16 [(b)] the notification or report involves a person who is licensed by the **department and may**
 17 **be subject to discipline by the** commission.

18 (4)(a) Notwithstanding ORS 192.311 to 192.478, any information received as provided by this
 19 section is not a public record and is not subject to public inspection.

20 (b) Any person or entity who receives information under this section may not release the in-
 21 formation, unless as otherwise provided by law.

22 (5) The State Board of Education may adopt rules for the purposes of implementing this section.

23 **SECTION 20.** ORS 339.390 is amended to read:

24 339.390. (1)(a) When the [*Teacher Standards and Practices Commission*] **Department of Educa-**
 25 **tion** receives a report of suspected sexual conduct that may have been committed by a
 26 [*commission*] **department** licensee, the [*commission*] **department** shall immediately initiate an in-
 27 vestigation.

28 (b) An investigation and final determination related to a report received under paragraph (a)
 29 of this subsection must be completed and notification of the final determination must be made to the
 30 education provider within 90 calendar days following the date on which the report was filed with
 31 the [*commission*] **department**.

32 (c) Notwithstanding paragraph (b) of this subsection, the prescribed timeline for an investigation
 33 and final determination may be extended if, for good cause, a longer period of time is necessary.

34 (2) The [*commission*] **department** shall appoint an investigator and shall furnish the investigator
 35 with appropriate professional and other special assistance reasonably required to conduct an inves-
 36 tigation. An investigator appointed under this subsection is empowered to:

37 (a) Issue subpoenas to require the attendance of witnesses or the production of documents;

38 (b) Subpoena witnesses; and

39 (c) Swear witnesses and compel obedience in the same manner as provided under ORS 183.440
 40 (2).

41 (3)(a) Following the completion of an investigation, the investigator shall report in writing the
 42 findings and recommendations to the [*executive director of the Teacher Standards and Practices*
 43 *Commission. The executive director or the executive director's designee shall forward to the*] **Super-**
 44 **intendent of Public Instruction. The superintendent shall forward to the Teacher Standards**
 45 **and Practices** Commission the report for any investigation that concluded that a violation occurred.

1 (b) If, based on the findings, the [*executive director*] **superintendent** believes there is an imme-
 2 diate threat to a student, the [*executive director*] **superintendent** shall request that the commission
 3 meet in executive session.

4 (4) The [*executive director*] **superintendent** or the investigator shall report in writing the
 5 findings and recommendations to impose disciplinary sanctions to the commission. The commission
 6 shall decide if there is sufficient cause to justify holding a hearing under ORS 342.177.

7 (5) If the commission finds that there is sufficient cause to justify holding a hearing under ORS
 8 342.177, the commission shall notify in writing:

9 (a) The person charged, enclosing a statement of the charges and a notice of opportunity for
 10 hearing;

11 (b) The student and, if applicable, the student's parents;

12 (c) The education provider; and

13 (d) The person who provided the report of suspected sexual conduct.

14 (6) If there is not sufficient cause to justify holding a hearing under ORS 342.177, the commis-
 15 sion shall notify in writing:

16 (a) The person charged;

17 (b) The student and, if applicable, the student's parents;

18 (c) The education provider; and

19 (d) The person who provided the report of suspected sexual conduct.

20 (7)(a) The documents and materials used in the investigation undertaken under this section, and
 21 the report related to the investigation, are confidential and not subject to public inspection:

22 (A) Unless the commission makes a final determination to discipline a [*commission*] **department**
 23 licensee, as provided under ORS 342.175.

24 (B) Except as provided by paragraphs (b) to (d) of this subsection.

25 (b) Documents, materials and reports that are confidential under paragraph (a) of this subsection
 26 may be disclosed to an entity listed in paragraph (c) or (d) of this subsection only as provided by
 27 this subsection and rules adopted by **the State Board of Education and** the commission. The entity
 28 that receives documents, materials or reports must maintain their confidentiality unless disclosure
 29 is allowed or required under this section or other state or federal law.

30 (c) To the extent allowed by state and federal law, the **department and the** commission shall
 31 make available any documents, materials and reports that are confidential under paragraph (a) of
 32 this subsection to[:]

33 [(A)] a law enforcement agency or the Department of Human Services for the purpose of con-
 34 ducting an investigation under ORS 419B.005 to 419B.050[; or]

35 [(B)] *The Department of Education for the purpose of conducting an investigation under ORS*
 36 *339.391*].

37 (d)(A) The [*commission*] **department** shall make available the [*commission's*] **department's** in-
 38 vestigative report to:

39 (i) An education provider for the purpose of the education provider taking any disciplinary
 40 actions or making changes in the employment relationship or duties of the [*commission*] **department**
 41 licensee; and

42 (ii) The [*commission*] **department** licensee who is the subject of the report.

43 (B) The [*commission*] **department** must redact the [*executive director's*] **superintendent's** rec-
 44 ommendation from the report made available under this paragraph.

45 (C) A [*commission*] **department** licensee who receives a report under this paragraph may share

1 the report with the person's attorney or union representative. An attorney or union representative
 2 who receives a report under this subparagraph must maintain the report's confidentiality unless
 3 disclosure is allowed or required under this section or other state or federal law.

4 (e) The [commission] **department** shall retain documents and materials related to any report
 5 received under this section, regardless of whether the commission found sufficient cause to justify
 6 holding a hearing under this section.

7 (8) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section
 8 in executive session. The provisions of ORS 192.660 (4) apply to executive sessions held pursuant to
 9 this subsection.

10 (9) The **State Board of Education and the** commission shall adopt any rules necessary for the
 11 administration of this section, including a process to appeal the findings of the **department or the**
 12 commission under this section.

13 **SECTION 21.** ORS 339.391 is amended to read:

14 339.391. (1)(a) When the Department of Education receives a report of suspected sexual conduct
 15 that may have been committed by a school employee, contractor, agent or volunteer that is not a
 16 [commission] **department** licensee, the department shall immediately initiate an investigation.

17 (b) An investigation and final determination related to the report received under paragraph (a)
 18 of this subsection must be completed and notification of the final determination must be made to the
 19 education provider within 90 calendar days following the date on which the report was filed with
 20 the department.

21 (c) Notwithstanding paragraph (b) of this subsection, the prescribed timeline for an investigation
 22 and final determination may be extended if the department determines that, for good cause, a longer
 23 period of time is necessary.

24 (2) The department shall appoint an investigator and shall furnish the investigator with appro-
 25 priate professional and other special assistance reasonably required to conduct an investigation. An
 26 investigator appointed under this subsection is empowered to:

27 (a) Issue subpoenas to require the attendance of witnesses or the production of documents;

28 (b) Subpoena witnesses; and

29 (c) Swear witnesses and compel obedience in the same manner as provided under ORS 183.440
 30 (2).

31 (3)(a) Following the completion of an investigation, the Department of Education shall notify:

32 (A) The person charged;

33 (B) The student, the student's parents or legal guardians, or both the student and the student's
 34 parents or legal guardians;

35 (C) The education provider;

36 (D) The person who provided the report of suspected sexual conduct, if known by the depart-
 37 ment; and

38 (E) For a substantiated report only, any regulatory board that[:]

39 [(i) *Is not the Teacher Standards and Practices Commission; and*]

40 [(ii)] the department knows licensed, registered, certified or otherwise authorized the school
 41 employee, contractor, agent or volunteer to practice a profession or to provide professional services.

42 (b) The notification required under paragraph (a) of this subsection shall include the following
 43 information as allowed by state and federal law:

44 (A) The statutory authority of the department to conduct the investigation;

45 (B) The procedural background for the investigation;

- 1 (C) The legal standards and arguments used for the investigation;
 2 (D) The department's findings of fact from the investigation;
 3 (E) The department's final determination based on the investigation; and
 4 (F) The right to an appeal, as provided by subsection (5) of this section.

5 (4)(a) Except as provided in paragraphs (b) and (c) of this subsection and subsection (3) of this
 6 section, the documents and materials used in the investigation undertaken under this section, and
 7 the report related to the investigation, are confidential and not subject to public inspection.

8 (b) Documents, materials and reports that are confidential under paragraph (a) of this subsection
 9 may be disclosed to an entity listed in paragraph (c) of this subsection, or in the manner described
 10 in subsection (3) of this section, only as provided by this section and by rules adopted by the State
 11 Board of Education. The person or entity that receives documents, materials or reports must main-
 12 tain their confidentiality unless disclosure is allowed or required under this section or other state
 13 or federal law.

14 (c) To the extent allowed by state and federal law, the department shall make available any
 15 documents, materials and reports that are confidential under paragraph (a) of this subsection to:

16 (A) A law enforcement agency or the Department of Human Services if necessary to conduct
 17 an investigation under ORS 419B.005 to 419B.050;

18 (B) The Teacher Standards and Practices Commission if necessary for the commission to [*con-*
 19 *duct an investigation under ORS 339.390 or 342.176*] **impose discipline related to a department**
 20 **licensee**; and

21 (C) An education provider if necessary for the education provider to take any disciplinary action
 22 or changes in the employment relationship or duties of the school employee, contractor, agent or
 23 volunteer.

24 (d) The Department of Education shall retain documents and materials related to any report
 25 received under this section for a period of 75 years.

26 (5) A person who is the subject of an investigation under this section may appeal a final deter-
 27 mination that the report related to the investigation is a substantiated report as a contested case
 28 under ORS chapter 183.

29 (6) The State Board of Education shall adopt any rules necessary for the administration of this
 30 section.

31 **SECTION 22.** ORS 341.535 is amended to read:

32 341.535. (1) Community college faculty are not required to have teaching licenses.

33 (2) Notwithstanding ORS 342.173, community college faculty who provide instruction in cooper-
 34 ation with a school district for academic, career and technical education, school-to-work or other
 35 work-related programs under ORS chapter 329 are not required to have teaching licenses. If the
 36 faculty member is not a regular full-time employee of the community college, the school district shall
 37 follow the instructor appraisal committee procedures adopted by **rule of** the Teacher Standards and
 38 Practices Commission.

39 (3) Until a community college becomes accredited by the Northwest Commission on Colleges and
 40 Universities or its successor, the board shall obtain the approval of the accredited community col-
 41 lege with which it contracts for curriculum and instructional services before employing any person
 42 to teach transfer courses.

43 **SECTION 23.** ORS 342.120 is amended to read:

44 342.120. As used in this chapter, unless the context requires otherwise:

45 (1) "Administrator" includes but is not limited to all superintendents, assistant superintendents,

1 principals and academic program directors in public schools or education service districts who have
 2 direct responsibility for supervision or evaluation of licensed teachers and who are compensated for
 3 their services from public funds.

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

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

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

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

8 (c) Meets the standards of the [*Teacher Standards and Practices Commission*] **State Board of**
 9 **Education**, as provided by ORS 342.147.

10 (4) “Approved educator preparation provider” means a sponsor or provider of an educator
 11 preparation program that meets the standards of the [*Teacher Standards and Practices Commission*]
 12 **State Board of Education**, as provided by ORS 342.147.

13 (5) “[*Commission*] **Department** licensee” means a person whom the [*Teacher Standards and*
 14 *Practices Commission*] **Department of Education** has the authority to investigate [*or discipline*]
 15 because the person:

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

17 (b) Is an applicant for a [*Teacher Standards and Practices Commission*] **department** license or
 18 registration;

19 (c) Holds a license or registration issued by the [*Teacher Standards and Practices Commission*]
 20 **department**; or

21 (d) Has held a license or registration issued by the [*Teacher Standards and Practices*
 22 *Commission*] **department** at any time during the previous five years.

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

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

32 (8) “Teacher” includes all licensed employees in the public schools or employed by an education
 33 service district who have direct responsibility for instruction or coordination of educational pro-
 34 grams and who are compensated for their services from public funds. “Teacher” does not include a
 35 school nurse as defined in ORS 342.455 or an instructional assistant.

36 (9) “Teaching license” means a license issued under ORS 342.125 or 342.144.

37 (10) “Underrepresented person” means:

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

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

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

42 (d) An American Indian or Alaska Native having origins in any of the original peoples of North
 43 America.

44 **SECTION 24.** ORS 342.121 is amended to read:

45 342.121. (1) The [*Teacher Standards and Practices Commission*] **Department of Education** shall

1 issue licenses to teachers and administrators who possess the minimum competencies, knowledge
2 and skills to teach and administer in the public schools of this state.

3 (2) In addition to a teaching or administrative license, a person may obtain professional certi-
4 fication, indicating a higher degree of competency, knowledge and skill based on work experience
5 and advanced study, from a professional organization of teachers or administrators on the national
6 level. A professional teaching certificate or administrative certificate is not required to teach or
7 administer in a public school of this state.

8 **SECTION 25.** ORS 342.122 is amended to read:

9 342.122. (1) There is created the National Board Certification Fund, separate and distinct from
10 the General Fund. Interest earned on moneys in the National Board Certification Fund shall be
11 credited to the fund.

12 (2) The National Board Certification Fund shall include any state or federal moneys made
13 available to the fund, including moneys appropriated by the Legislative Assembly and federal mon-
14 eys made available to improve teacher quality through professional development. The [*Teacher*
15 *Standards and Practices Commission*] **Department of Education** may accept from any source any
16 grant, donation or gift of money or other valuable thing made to the [*commission*] **department** for
17 purposes of the fund.

18 (3) Moneys credited to the National Board Certification Fund are continuously appropriated to
19 the [*commission*] **department** for the purposes set forth in subsections (4) and (5) of this section.
20 The [*commission*] **department** may draw checks or orders upon the State Treasurer in making dis-
21 bursements from the fund for the purposes stated in this subsection.

22 (4) Moneys in the National Board Certification Fund shall be used to encourage at least 150
23 public school teachers in this state to apply for and attain certification each biennium through the
24 National Board for Professional Teaching Standards or any other national professional organization
25 for teaching standards designated by the [*Teacher Standards and Practices Commission*] **State Board**
26 **of Education by rule.**

27 (5) The [*Teacher Standards and Practices Commission*] **department** may disburse moneys from
28 the National Board Certification Fund to applicants for assistance with the direct costs of seeking
29 and obtaining national board certification, including reimbursement for the costs of each of the
30 components necessary for certification and reimbursement for costs related to participating in a
31 cohort for certification. The [*commission*] **department** may retain no more than 10 percent of all
32 moneys received under this section during a biennium from state and federal sources for the purpose
33 of paying administrative expenses incurred by the [*commission*] **department** under this subsection.

34 (6) The [*Teacher Standards and Practices Commission*] **State Board of Education** shall adopt
35 rules that govern the disbursement of moneys from the National Board Certification Fund consistent
36 with this section, including requirements that recipients of disbursements must be licensed by the
37 [*commission*] **department** and employed with a public educational program in this state.

38 **SECTION 26.** ORS 342.123 is amended to read:

39 342.123. (1) In addition to and not in lieu of any other law or rule or standard established by
40 the Teacher Standards and Practices Commission, the commission shall require an applicant for a
41 first-time license or registration issued by the [*commission*] **Department of Education** to demon-
42 strate knowledge of:

43 (a) Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and
44 other relevant federal and state statutes prohibiting discrimination; and

45 (b) Ethical standards of professional conduct for licensees and registrants, as determined by the

1 **department based on rules of the** commission.

2 (2) The requirements of this section do not apply to an applicant who is present in the United
3 States on a nonimmigrant visa.

4 **SECTION 27.** ORS 342.125 is amended to read:

5 342.125. (1) Teaching licenses shall be issued and renewed by the [*Teacher Standards and Prac-*
6 *tices Commission*] **Department of Education** by the authority of the State of Oregon, subject to
7 ORS 342.120 to 342.430 and the rules of the **Teacher Standards and Practices Commission and**
8 **the State Board of Education.**

9 (2) Notwithstanding any requirements prescribed for issuance of a license, a person whose ap-
10 plication for a license is pending may be employed in the public schools of this state for 90 calendar
11 days after the date of submission of the application if:

12 (a) The person is not ineligible for a license following background checks conducted by the
13 [*Teacher Standards and Practices Commission*] **department**, including a criminal records check as
14 provided in ORS 181A.195 and a background check through an interstate clearinghouse of revoked
15 and suspended licenses;

16 (b) The school district has completed the review of the employment history of the person as
17 required by ORS 339.374;

18 (c) The person had not been employed as provided by this subsection during the previous 12
19 months with a pending application for the same license; and

20 (d) The person and the school district have complied with any other requirements established
21 by the commission **and the board** by rule.

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

24 (a) Preliminary teaching license.

25 (b) Professional teaching license.

26 (c) Distinguished teacher leader license.

27 (d) Preliminary personnel service license.

28 (e) Professional personnel service license.

29 (f) Preliminary administrative license.

30 (g) Professional administrative license.

31 (h) Reciprocal license.

32 (i) Legacy license.

33 (4) The [*Teacher Standards and Practices*] commission may establish other types of teaching li-
34 censes as the commission considers necessary for operation of the public schools of the state and
35 may prescribe the qualifications for the licenses. However, no license established under the au-
36 thority of this subsection is required for a regular classroom teaching position in the public schools.

37 (5) Notwithstanding ORS 342.127, any person who has held a teaching license identified in sub-
38 section (3) of this section or established as provided by subsection (4) of this section may, within
39 three years of retirement and without payment of any fees or any other additional requirements,
40 convert the teaching license into a substitute teaching license.

41 (6)(a) The [*Teacher Standards and Practices*] commission shall **by rule** establish a public charter
42 school teacher and administrator registry **to be maintained by the Department of Education.** The
43 [*commission*] **rules** shall require the applicant and the public charter school to jointly submit an
44 application requesting registration as a public charter school teacher or administrator. The appli-
45 cation shall include:

1 (A) A description of the specific teaching or administrator position the applicant will fill;

2 (B) A description of the background of the applicant that is relevant to the teaching or admin-
3 istrator position, including any post-secondary education or other experience; and

4 (C) Documentation as required by the [commission] **department** for the purposes of conducting
5 a criminal records check as provided in ORS 181A.195 and a background check through an inter-
6 state clearinghouse of revoked and suspended licenses.

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

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

18 (d) A registration as a public charter school administrator qualifies its holder to accept the ad-
19 ministrator position described in the application in the public charter school that submitted the
20 application with the holder of the registration.

21 (7)(a) The Teacher Standards and Practices Commission shall adopt **by rule** an expedited pro-
22 cess for the issuance of any license established pursuant to this section. The expedited process may
23 require the following:

24 (A) The showing of an urgent situation; and

25 (B) The joint request for the expedited process from the applicant for the license and:

26 (i) The school district superintendent or school district board;

27 (ii) The public charter school governing body; or

28 (iii) The education service district superintendent or board of directors of the education service
29 district.

30 (b) Except as provided by paragraph (c) of this subsection, the [commission] **department** shall
31 issue a license as provided by this subsection within two working days after receiving a completed
32 application.

33 (c) The commission may limit the number of applications the [commission] **department** will ac-
34 cept under this subsection from a school district or an education service district to not more than
35 100 applications in a period of two working days.

36 (d) For purposes of this subsection, the [commission] **department** may not distinguish between
37 a school district or an education service district involved in a labor dispute and any other school
38 district or education service district.

39 **SECTION 28.** ORS 342.127 is amended to read:

40 342.127. (1) The [Teacher Standards and Practices Commission shall establish and] **State Board**
41 **of Education shall establish by rule and the Department of Education shall** collect:

42 (a) A fee not to exceed \$350 for evaluation of the initial application for each educator license
43 for which application is made. If the applicant is eligible for the educator license for which appli-
44 cation is made, the [commission] **department** shall issue the license without additional charge.

45 (b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed

1 \$50 for each official paper license. If the educator is certified by a national professional organization
 2 for teaching standards [*recognized by the commission*] **designated by the State Board of Education**
 3 **by rule**, the [*commission*] **department** shall renew the license without charge.

4 (c) A fee not to exceed \$800 for a beginning educator assessment conducted in lieu of an ap-
 5 proved preparation program required for licensure.

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

8 (e) A fee not to exceed \$350 for renewal of a registration as a public charter school teacher or
 9 administrator that includes any fee charged pursuant to rules adopted under ORS 181A.195.

10 (2) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
 11 cator license, the [*commission*] **department** shall collect a fee not to exceed \$150 for the evaluation
 12 of an applicant requesting licensing based upon completion of an educator preparation program
 13 other than an Oregon approved educator preparation program.

14 (3) In addition to the fees required by subsection (1) of this section, the [*commission*] **depart-**
 15 **ment** shall collect a late application fee not to exceed \$40 per month up to a maximum of \$200 from
 16 an applicant who fails to make timely application for renewal of the license or registration. The
 17 actual amount of the fee shall be determined in accordance with rules of the [*commission*] **board**.

18 (4) In addition to the fees required by subsection (1) of this section, the [*commission*] **depart-**
 19 **ment** shall collect a late application fee not to exceed \$350 for the reinstatement of an expired li-
 20 cense. The requirements for reinstatement and the actual amount of the fee shall be determined in
 21 accordance with rules of the [*commission*] **board**.

22 (5) Notwithstanding the expiration date posted on the license, the license shall continue to be
 23 valid for an additional 120 days, provided the educator has made a timely application, as determined
 24 by the [*commission*] **department**, for renewal prior to the expiration date on the license.

25 (6) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
 26 cator license, the [*commission*] **department** shall collect a fee not to exceed \$1,000 for the rein-
 27 statement of a license that has been suspended or revoked by the [*commission*] **department** for gross
 28 neglect of duty or gross unfitness under ORS 342.175.

29 (7) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
 30 cator license, the [*commission*] **department** shall collect a fee not to exceed \$200 for the issuance
 31 of any license through an expedited process under ORS 342.125 (7) at the request of any school
 32 district, public charter school or education service district that seeks to employ the applicant. The
 33 fee shall be paid by the school district, public charter school or education service district.

34 (8) Fees established under this section shall cover, but not exceed, the full cost of administrative
 35 expenses incurred by the [*commission*] **department** during any biennium.

36 **SECTION 29.** ORS 342.130 is amended to read:

37 342.130. (1) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life of any certificate
 38 or diploma in effect on June 30, 1965, nor to invalidate the rights granted prior to June 30, 1965,
 39 by the law and the rules of the State Board of Education under which the certificate or diploma
 40 was issued.

41 (2) Nothing in chapter 550, Oregon Laws 1965, is intended to invalidate the life of any teaching
 42 certificate in effect on August 13, 1965, or to alter the rights and privileges granted prior to August
 43 13, 1965, by the law under which the teaching certificate was issued.

44 (3) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life of any basic or standard
 45 teaching or administrative license in effect prior to January 15, 1999, nor to invalidate the rights

1 granted prior to January 15, 1999, by the law and by the rules under which the license was issued.

2 (4) Nothing in chapter 647, Oregon Laws 2015, is intended to invalidate the life of any teaching,
3 administrative or personnel service license in effect on July 6, 2015, or to alter the rights and
4 privileges granted prior to July 6, 2015, by the law under which the license was issued.

5 **(5) Nothing in this 2025 Act is intended to invalidate the life of any teaching, adminis-**
6 **trative or personnel service license in effect prior to the effective date of this 2025 Act, or**
7 **to alter the rights and privileges granted prior to the effective date of this 2025 Act, by the**
8 **law under which the license was issued.**

9 **SECTION 30.** ORS 342.136 is amended to read:

10 342.136. (1) A preliminary teaching license, personnel service license or administrative license
11 shall qualify its holder to accept any assignment from preprimary through grade 12 for which the
12 holder has completed the requirements established by the rules of the Teacher Standards and Prac-
13 tices Commission.

14 (2) A preliminary teaching license, personnel service license or administrative license shall be
15 issued on application to an otherwise qualified applicant who has completed an approved profes-
16 sional education program and meets such other requirements as the commission may consider nec-
17 essary to maintain and improve the quality of instruction in the public schools of the state.

18 (3) In addition to any requirements imposed under subsections (1) and (2) of this section, an
19 applicant for a preliminary teaching license must complete a supervised clinical practice experience.
20 The supervised clinical practice experience:

21 (a) May include student teaching, internships, observations and similar experiences;

22 (b) Must be under the direction of:

23 (A) A supervisor from the approved educator preparation program in which the applicant is
24 enrolled; and

25 (B) A teacher who is from the school district where the applicant is completing the supervised
26 clinical practice experience and who:

27 (i) Possesses a teaching license issued by the *[Teacher Standards and Practices Commission]*

28 **Department of Education;**

29 (ii) Has been an effective teacher for three or more years, as determined under rules adopted
30 by the commission; and

31 (iii) Is trained to supervise the applicant during the applicant's supervised clinical practice ex-
32 perience and to work in partnership with the applicant's supervisor from an approved educator
33 preparation program; and

34 (c) Must comply with other requirements adopted by the commission by rule.

35 (4) A preliminary teaching license, personnel service license or administrative license may be
36 renewed if the applicant meets the requirements established by the commission by rule.

37 (5) The *[commission]* **department** shall develop a process that allows a teacher holding a pre-
38 liminary teaching license to continually renew the preliminary teaching license based on the com-
39 pletion of requirements established by the rules of the commission if the teacher does not qualify for
40 a professional teaching license due to lack of employment.

41 **SECTION 31.** ORS 342.137 is amended to read:

42 342.137. (1) A distinguished teacher leader license shall designate that its holder is qualified to
43 provide leadership that may include mentoring, curriculum development support, teacher preparation
44 support and other educational leadership.

45 (2) A distinguished teacher leader license shall be issued on application to an otherwise quali-

1 fied person who:

2 (a) Has a valid professional teaching license; and

3 (b) Has been deemed to be effective to highly effective in teaching, as shown by:

4 (A) A combination of evaluations conducted in compliance with ORS 342.856 and evidence of
5 current professional leadership practices, as determined based on standards adopted by the Teacher
6 Standards and Practices Commission by rule; or

7 (B) Other evidence identified by the commission by rule.

8 (3) A distinguished teacher leader license may be renewed if the applicant meets the require-
9 ments established by the commission by rule.

10 (4) The commission shall develop *[a process]* **by rule the standards** by which a teacher holding
11 a distinguished teacher leader license is automatically issued a professional teaching license upon
12 nonrenewal of a distinguished teacher leader license if the teacher meets the requirements for a
13 professional teaching license.

14 **SECTION 32.** ORS 342.138 is amended to read:

15 342.138. (1) A professional teaching license, a professional personnel service license or a pro-
16 fessional administrative license qualifies the holder to accept any assignments for preprimary
17 through grade 12 for which the holder has completed the advanced requirements established by the
18 rules of the Teacher Standards and Practices Commission.

19 (2) A professional teaching license, a professional personnel service license or a professional
20 administrative license shall be issued on application to an otherwise qualified person who has:

21 (a) Completed an advanced professional education program approved by the *[commission]* **De-**
22 **partment of Education;**

23 (b) Been employed in an educational setting for a minimum period of time established by the
24 commission by rule; and

25 (c) Demonstrated minimum competencies, knowledge and skills required for the professional
26 teaching license, professional personnel service license or professional administrative license
27 through an approved educator preparation provider, school district, professional organization de-
28 scribed in ORS 342.121, or professional assessment approved by the *[commission]* **department.**

29 (3) The holder of a professional teaching license, professional personnel service license or pro-
30 fessional administrative license may renew the license in accordance with the rules of the commis-
31 sion.

32 **SECTION 33.** ORS 342.143 is amended to read:

33 342.143. (1) A teaching, personnel service or administrative license, or public charter school
34 registration, may not be issued to any person until the person has attained the age of 18 years and
35 has furnished satisfactory evidence of proper educational training.

36 (2) The Teacher Standards and Practices Commission **by rule** may require an applicant for a
37 teaching, personnel service or administrative license or for registration as a public charter school
38 teacher or administrator to furnish evidence satisfactory to the *[commission]* **Department of Edu-**
39 **cation** of good moral character, mental and physical health, and such other evidence as the com-
40 mission may deem necessary to establish the applicant's fitness to serve as a teacher or
41 administrator.

42 (3) Without limiting the powers of the *[Teacher Standards and Practices]* commission **or de-**
43 **partment** under subsection (2) of this section:

44 (a) A teaching, personnel service or administrative license, or a public charter school registra-
45 tion, may not be issued to any person who:

1 (A) Has been convicted of a crime listed in ORS 163.095, 163.107, 163.115, 163.185, 163.235,
 2 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432,
 3 163.433, 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replace-
 4 ment Part), 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415,
 5 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808,
 6 475.810, 475.812, 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872,
 7 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

8 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in
 9 subparagraph (A) of this paragraph.

10 (C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as
 11 defined by rule, to any of the crimes listed in subparagraphs (A) and (B) of this paragraph.

12 (D) Has had a teaching, personnel service or administrative license, or a public charter school
 13 registration, revoked in another jurisdiction for a reason that is substantially equivalent, as defined
 14 by rule, to a reason described in ORS 342.175 and the revocation is not subject to further appeal.
 15 A person whose right to apply for a license or registration is denied under this subparagraph may
 16 apply for reinstatement of the right as provided in ORS 342.175 (4).

17 (b) The [*Teacher Standards and Practices Commission*] **department, as prescribed by the**
 18 **commission by rule**, may refuse to issue a license or registration to any person who has been
 19 convicted of:

20 (A) A crime involving the illegal use, sale or possession of controlled substances; or

21 (B) A crime described in ORS 475C.005 to 475C.525.

22 (4) In denying the issuance of a license or registration under this section, the [*commission*] **de-**
 23 **partment** shall follow the procedure set forth in ORS 342.176 and 342.177.

24 **SECTION 34.** ORS 342.144 is amended to read:

25 342.144. (1) As used in this section, "American Indian tribe" means an Indian tribe as that term
 26 is defined in ORS 97.740.

27 (2) The Legislative Assembly declares that teaching American Indian languages is essential to
 28 the proper education of American Indian children.

29 (3) The Teacher Standards and Practices Commission shall establish **by rule the requirements**
 30 **for** an American Indian languages teaching license.

31 (4) Each American Indian tribe may develop a written and oral test that must be successfully
 32 completed by an applicant for an American Indian languages teaching license in order to determine
 33 whether the applicant is qualified to teach the tribe's native language. When developing the test, the
 34 tribe shall determine:

35 (a) Which dialects will be used on the test;

36 (b) Whether the tribe will standardize the tribe's writing system; and

37 (c) How the teaching methods will be evaluated in the classroom.

38 (5) The test shall be administered at an appropriate location that does not create hardship for
 39 the tribal members administering the test.

40 (6) The commission may not require an applicant to hold a specific academic degree, to complete
 41 a specific amount of education or to complete an educator preparation program to receive an
 42 American Indian languages teaching license.

43 (7)(a) An American Indian languages teaching license qualifies the holder to accept a teaching
 44 position in a school district, public charter school, education service district, community college or
 45 public university listed in ORS 352.002.

1 (b) A holder of an American Indian languages teaching license who does not also have a
 2 teaching license issued under ORS 342.125 may not teach in a school district or education service
 3 district any subject other than the American Indian language the holder of the license is approved
 4 to teach by the tribe.

5 (c) A holder of an American Indian languages teaching license who does not also have a
 6 teaching license or registration issued under ORS 342.125 may not teach in a public charter school
 7 any subject other than the American Indian language the holder of the license is approved to teach
 8 by the tribe.

9 (8)(a) As used in this subsection, “technical assistance program” means a program provided to
 10 an American Indian languages teacher by a licensed teacher with three or more years of teaching
 11 experience. A technical assistance program may include direct classroom observation and consulta-
 12 tion, assistance in instructional planning and preparation, support in implementation and delivery
 13 of classroom instruction, and other assistance intended to enhance the professional performance and
 14 development of the American Indian languages teacher.

15 (b) The holder of an American Indian languages teaching license who does not also have an
 16 administrative license, teaching license or registration issued under ORS 342.125 and who is em-
 17 ployed by a school district, public charter school or education service district shall participate in
 18 a technical assistance program with a person holding a teaching license issued by the [commission]
 19 **Department of Education** under ORS 342.125. The technical assistance program shall meet the
 20 guidelines specified in ORS 329.815 (2) to (4).

21 (9) An American Indian languages teaching license shall be valid for a term established by the
 22 commission **by rule** and may be renewed upon application from the holder of the license.

23 **SECTION 35.** ORS 342.147 is amended to read:

24 342.147. (1)(a) The [Teacher Standards and Practices Commission] **State Board of Education,**
 25 **taking into consideration recommendations of the Teacher Standards and Practices Com-**
 26 **mission and the Educator Advancement Council,** shall establish by rule standards for approval
 27 of educator preparation providers and educator preparation programs.

28 (b) Standards for approval of an educator preparation program must include requiring an edu-
 29 cator preparation program to evaluate candidates using a framework approved by the [commission]
 30 **board** that:

31 (A) Uses multiple measures to determine if a candidate’s knowledge, skills and competencies
 32 qualify the candidate for a teaching license; and

33 (B) Includes at least one measure that is locally determined and adopted by the educator prep-
 34 aration provider, and that is then approved by the [commission] **board.**

35 (c) Standards for approval of an educator preparation program for early childhood education,
 36 elementary education, special education or reading must require that:

37 (A) The program provide instruction on dyslexia and other reading difficulties; and

38 (B) The instruction on dyslexia be consistent with the knowledge and practice standards of an
 39 international organization on dyslexia.

40 (2) The [commission] **board, taking into consideration recommendations of the commission**
 41 **and the council,** shall adopt rules that:

42 (a) Require approved educator preparation programs for early childhood education, elementary
 43 education, special education or reading to demonstrate that candidates enrolled in the programs
 44 receive training to provide instruction that enables students to meet or exceed third-grade reading
 45 standards and become proficient readers by the end of the third grade, as designated by the [State

1 *Board of Education*] **board**. For the purposes of this paragraph, an approved educator preparation
 2 program may make the demonstration through course curriculum, approved textbooks or other pro-
 3 gram requirements.

4 (b) Allow approved educator preparation programs leading to graduate degrees to commence
 5 prior to the candidate's completion of baccalaureate degree requirements and to combine under-
 6 graduate and graduate level course work in achieving program completion.

7 (3) Whenever any educator preparation provider or educator preparation program is denied ap-
 8 proved status or has such status withdrawn, the denial or withdrawal must be treated as a contested
 9 case under ORS chapter 183.

10 (4) Nothing in this section is intended to grant to the [*Teacher Standards and Practices Com-*
 11 *mission*] **State Board of Education or the Department of Education** any authority relating to
 12 granting degrees or establishing degree requirements that are within the authority of the Higher
 13 Education Coordinating Commission or any of the public universities listed in ORS 352.002, or that
 14 are within the authority of the governing board of any private institution of higher education.

15 **SECTION 36.** ORS 342.147, as amended by section 8, chapter 756, Oregon Laws 2015, section
 16 2, chapter 317, Oregon Laws 2017, section 9, chapter 518, Oregon Laws 2021, and section 2, chapter
 17 637, Oregon Laws 2021, is amended to read:

18 342.147. (1) The [*Teacher Standards and Practices Commission*] **State Board of Education,**
 19 **taking into consideration recommendations of the Teacher Standards and Practices Com-**
 20 **mission and the Educator Advancement Council,** shall establish by rule standards for approval
 21 of educator preparation providers and educator preparation programs.

22 (2) Standards for approval of an educator preparation provider may allow approval of an insti-
 23 tution of higher education, a school district in this state, an education service district in this state
 24 or any other entity in this state that sponsors or provides an educator preparation program.

25 (3)(a) Standards for approval of an educator preparation program must include:

26 (A) Requiring an educator preparation program to be accredited by a national organization that
 27 represents teachers, policymakers and teacher educators and that provides accreditation based on
 28 nationally recognized standards and on evidence-based measures;

29 (B) Approving a public educator preparation program of more than four years' duration only if
 30 educator preparation programs that are reasonably attainable in a four-year period, or the equiv-
 31 alent, are also available in the system of higher education and are designed to culminate in a
 32 baccalaureate degree that qualifies their graduates for entry-level teaching licenses; and

33 (C) Requiring an educator preparation program to evaluate candidates using a framework ap-
 34 proved by the [*commission*] **board** that:

35 (i) Uses multiple measures to determine if a candidate's knowledge, skills and competencies
 36 qualify the candidate for a teaching license; and

37 (ii) Includes at least one measure that is locally determined and adopted by the educator prep-
 38 aration provider, and that is then approved by the [*commission*] **board**.

39 (b) Standards for approval of an educator preparation program for early childhood education,
 40 elementary education, special education or reading must require that:

41 (A) The program provide instruction on dyslexia and other reading difficulties; and

42 (B) The instruction on dyslexia be consistent with the knowledge and practice standards of an
 43 international organization on dyslexia.

44 (4)(a) Notwithstanding subsection (3)(a)(A) of this section, standards for approval of an educator
 45 preparation program may allow an educator preparation program to operate provisionally without

1 accreditation by a national organization if the educator preparation program is:

2 (A) Offered by an accredited educator preparation provider; or

3 (B) A nontraditional pathway to licensure program offered by an educator preparation provider,
4 regardless of whether the educator preparation provider is accredited.

5 (b) A nontraditional pathway to licensure program shall be considered an approved educator
6 preparation program, **as determined by the Department of Education**, if the nontraditional
7 pathway to licensure program complies with standards established by the *[commission]* **board, tak-**
8 **ing into consideration recommendations of the commission and the council.** The *[commission]*
9 **board** shall establish standards for nontraditional pathway to licensure programs that:

10 (A) Are substantially similar to the standards under subsection (3)(a) of this section;

11 (B) Require the *[commission]* **department** to consider the current efforts of educator preparation
12 programs to serve the same educator workforce as the proposed nontraditional pathway to licensure
13 program; and

14 (C) Require the proposed nontraditional pathway to licensure program to submit to the *[com-*
15 *mission]* **department** a preoperational capacity review from a national accrediting organization that
16 is approved by the *[commission]* **board by rule.**

17 (c)(A) Nothing in this subsection requires a nontraditional pathway to licensure program to:

18 (i) Culminate in the granting of a degree; or

19 (ii) Prohibit a candidate from being employed as an educator while participating in the program.

20 (B) Nothing in this subsection prevents an accredited educator preparation provider from offer-
21 ing a nontraditional pathway to licensure.

22 (d) An approved educator preparation program that operates provisionally as provided by this
23 subsection may not operate provisionally for more than four years from the date that the educator
24 preparation program first received approval to operate provisionally.

25 (5) The *[commission]* **board, taking into consideration recommendations of the commission**
26 **and the council**, shall adopt rules that:

27 (a) Require approved educator preparation programs for early childhood education, elementary
28 education, special education or reading to demonstrate that candidates enrolled in the programs
29 receive training to provide instruction that enables students to meet or exceed third-grade reading
30 standards and become proficient readers by the end of the third grade, as designated by the *[State*
31 *Board of Education]* **board.** For the purposes of this paragraph, an approved educator preparation
32 program may make the demonstration through course curriculum, approved textbooks or other pro-
33 gram requirements.

34 (b) Allow approved educator preparation programs leading to graduate degrees to commence
35 prior to the candidate's completion of baccalaureate degree requirements and to combine under-
36 graduate and graduate level course work in achieving program completion.

37 (6) Whenever any educator preparation provider or educator preparation program is denied ap-
38 proved status or has such status withdrawn, the denial or withdrawal must be treated as a contested
39 case under ORS chapter 183.

40 (7) Nothing in this section is intended to grant to the *[Teacher Standards and Practices Com-*
41 *mission]* **State Board of Education or the Department of Education** any authority relating to
42 granting degrees or establishing degree requirements that are within the authority of the Higher
43 Education Coordinating Commission or any of the public universities listed in ORS 352.002, or that
44 are within the authority of the governing board of any private institution of higher education.

45 **SECTION 37.** Section 9a, chapter 518, Oregon Laws 2021, is amended to read:

1 **Sec. 9a.**(1) Notwithstanding the operative date set forth in section 2, chapter 756, Oregon Laws
 2 2015, as amended by section 9, chapter 756, Oregon Laws 2015, and section 25, chapter 72, Oregon
 3 Laws 2018, the [*Teacher Standards and Practices Commission*] **State Board of Education and the**
 4 **Department of Education** may take any action before the operative date identified by this sub-
 5 section that is necessary for the [*commission*] **board and department** to exercise, on and after the
 6 operative date identified by this subsection, all of the duties, functions and powers conferred on the
 7 [*commission*] **board and department** by the amendments to ORS 342.147 by section 9 [*of this 2021*
 8 *Act*], **chapter 518, Oregon Laws 2021.**

9 (2) For the purpose of ensuring that the [*Teacher Standards and Practices Commission*] **board**
 10 **and department** may exercise, on and after the operative date identified by subsection (1) of this
 11 section, all of the duties, functions and powers conferred on the [*commission*] **board and depart-**
 12 **ment** by the amendments to ORS 342.147 by section 9 [*of this 2021 Act*], **chapter 518, Oregon Laws**
 13 **2021**, the [*commission*] **board and department** shall develop and implement a plan for the imple-
 14 mentation of the amendments to ORS 342.147 by section 9 [*of this 2021 Act*], **chapter 518, Oregon**
 15 **Laws 2021, and section 36 of this 2025 Act.** The plan must:

16 (a) Be developed in collaboration with the Educator Advancement Council and the [*Department*
 17 *of Education*] **Teacher Standards and Practices Commission**; and

18 (b) Prioritize increasing:

19 (A) Participation by teacher candidates in nontraditional pathway to licensure programs;

20 (B) Educator diversity; and

21 (C) Educator retention.

22 (3) *No later than January 1, 2023, the Teacher Standards and Practices Commission, in collab-*
 23 *oration with the Educator Advancement Council and the Department of Education, shall report to the*
 24 *appropriate interim committees of the Legislative Assembly. The report shall address the progress on*
 25 *the plan required to be developed and implemented as provided by subsection (2) of this section.]*

26 **SECTION 38.** Section 4, chapter 756, Oregon Laws 2015, as amended by section 10, chapter 756,
 27 Oregon Laws 2015, and section 10, chapter 518, Oregon Laws 2021, is amended to read:

28 **Sec. 4.** (1) The Teacher Education Program Accreditation Account is established in the State
 29 Treasury, separate and distinct from the General Fund. Interest earned by the Teacher Education
 30 Program Accreditation Account shall be accredited to the account.

31 (2) Moneys in the Teacher Education Program Accreditation Account are continuously appro-
 32 priated to the [*Teacher Standards and Practices Commission*] **Department of Education** to award
 33 grants to educator preparation programs for the purpose of having the programs accredited by the
 34 organization described in ORS 342.147 (3)(a)(A), as amended by section 8, chapter 756, Oregon Laws
 35 2015, section 2, chapter 317, Oregon Laws 2017, [*and*] section 9 [*of this 2021 Act*], **chapter 518,**
 36 **Oregon Laws 2021, and section 36 of this 2025 Act.**

37 **SECTION 39.** ORS 342.153 is amended to read:

38 342.153. (1) Any applicant for a teaching license to provide education to students who are blind,
 39 as defined in ORS 343.565, shall be required to demonstrate proficiency in reading and writing
 40 Braille, as defined in ORS 343.565.

41 (2) Any applicant for a teaching license to provide education to students who are blind shall be
 42 required to demonstrate proficiency by completion of grade I and grade II Braille coursework at a
 43 college level.

44 (3) The Teacher Standards and Practices Commission **by rule** shall adopt procedures to assess
 45 the proficiencies developed through workshops and courses in grade I and grade II Braille that are

1 consistent with standards set by the National Library Service for the Blind and Physically Hand-
 2 icapped at the Library of Congress.

3 **SECTION 40.** ORS 342.165 is amended to read:

4 342.165. (1) Pursuant to ORS chapter 183, the Teacher Standards and Practices Commission shall
 5 adopt rules necessary for the issuance, denial, continuation, renewal, lapse, revocation, suspension
 6 or reinstatement of licenses or registrations issued **by the Department of Education** under ORS
 7 342.120 to 342.430. The commission shall also adopt rules establishing means in addition to those
 8 prescribed by law whereby teachers are able to add additional endorsements to their teaching li-
 9 censes.

10 (2) In establishing rules the commission shall consider:

- 11 (a) Its responsibilities to represent the public interest in the development of educational policies;
- 12 (b) The capabilities of Oregon educator preparation providers to prepare educators;
- 13 (c) The norms required for the educator assignments;
- 14 (d) The improvement of teaching and student learning;
- 15 (e) The adequacy of the supply of licensed educators;
- 16 (f) The value of experience or nonacademic learning;
- 17 (g) The responsibilities imposed upon school districts by geographic and demographic conditions;

18 and

19 (h) Other matters that tend to improve education.

20 **SECTION 41.** ORS 342.173 is amended to read:

21 342.173. Any school district or education service district that employs any person not properly
 22 licensed or registered by the [*Teacher Standards and Practices Commission*] **Department of Edu-**
 23 **cation**, or licensed by the [*commission*] **department** but not assigned in accordance with rules of
 24 the **Teacher Standards and Practices** Commission, shall be subject to sanctions imposed by the
 25 commission. A sanction must be imposed according to rules adopted by the commission and is ef-
 26 fective unless:

27 (1) The assignment is made with justification satisfactory to the commission.

28 (2) The person is employed as a teacher by a post-secondary institution that is accredited by the
 29 Northwest Commission on Colleges and Universities, or its successor, and that has a contract with
 30 a school district under which the person is teaching at the high school level. The contract [*shall*]
 31 **must** be approved by the [*Teacher Standards and Practices Commission*] **department**, including
 32 criteria for a person's qualifications under paragraph (b) of this subsection. The contract shall:

33 (a) Be for a specific instructional assignment for which the district does not have appropriately
 34 licensed personnel either on staff or available to be placed on staff after a reasonably diligent
 35 search;

36 (b) Provide evidence that the person's qualifications are appropriate for the assignment;

37 (c) Allow the person to teach no more than two high school units of credit or the equivalent
 38 per year; and

39 (d) Not be valid during a school closure, strike or summer session.

40 (3) The person is teaching an online course originating outside this state.

41 (4) The person is employed as provided by ORS 342.125 (2).

42 **SECTION 42.** ORS 342.175 is amended to read:

43 342.175. (1) **As provided by** the Teacher Standards and Practices Commission **by rule, the**
 44 **Department of Education** may suspend or revoke the license or registration of a [*commission*]
 45 **department** licensee, discipline a [*commission*] **department** licensee, or suspend or revoke the right

1 of any person to apply for a license or registration based on the following:

2 (a) Conviction of a crime not listed in ORS 342.143 (3);

3 (b) Gross neglect of duty;

4 (c) Any gross unfitness;

5 (d) Conviction of a crime for violating any law of this state or any state or of the United States
6 involving the illegal use, sale or possession of controlled substances;

7 (e) Conviction of a crime described in ORS 475C.005 to 475C.525;

8 (f) Any false statement knowingly made in an application for issuance, renewal or reinstatement
9 of a license or registration; or

10 (g) Failure to comply with any condition of reinstatement under subsection (4) of this section
11 or any condition of probation under ORS 342.177 (3)(b).

12 (2) If a person is enrolled in an approved educator preparation program under ORS 342.147, the
13 commission may issue a public reprimand or may suspend or revoke the right to apply for a license
14 or registration based on the following:

15 (a) Conviction of a crime listed in ORS 342.143 (3) or a crime described by the commission by
16 rule;

17 (b) Conviction of a crime for violating any law of this state or any state or of the United States
18 involving the illegal use, sale or possession of controlled substances; or

19 (c) Any conduct that may cause the commission to issue a public reprimand for a *[commission]*
20 **department** licensee or to suspend or revoke the license or registration of a *[commission]* **depart-**
21 **ment** licensee.

22 (3) **As provided by the commission by rule, the department** shall revoke any license or reg-
23 istration and shall revoke the right of any person to apply for a license or registration if the person
24 has been convicted of any crime listed in ORS 342.143 (3).

25 (4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (5)
26 of this section, any person whose license or registration has been revoked, or whose right to apply
27 for a license or registration has been revoked, may apply to the *[commission]* **department** for rein-
28 statement of the license or registration after one year from the date of the revocation.

29 (b) Any person whose license or registration has been suspended, or whose right to apply for a
30 license or registration has been suspended, may apply to the *[commission]* **department** for rein-
31 statement of the license or registration.

32 (c) The commission **by rule** may require an applicant for reinstatement to furnish evidence sat-
33 isfactory to the *[commission]* **department** of good moral character, mental and physical health and
34 such other evidence as the commission may consider necessary to establish the applicant's fitness.
35 The *[commission]* **department** may impose a probationary period and such conditions as the *[com-*
36 *mission]* **department** considers necessary upon approving an application for reinstatement.

37 (5) The *[commission]* **department** shall reconsider immediately a license or registration suspen-
38 sion or revocation or the situation of a person whose right to apply for a license or registration has
39 been revoked, upon application therefor, when the license or registration suspension or revocation
40 or the right revocation is based on a criminal conviction that is reversed on appeal.

41 (6) Violation of rules adopted by the commission relating to competent and ethical performance
42 of professional duties shall be admissible as evidence of gross neglect of duty or gross unfitness.

43 (7) A copy of the record of conviction, certified to by the clerk of the court entering the con-
44 viction, shall be conclusive evidence of a conviction described in this section.

45 **SECTION 43.** ORS 342.176 is amended to read:

1 342.176. (1)(a) A person may file a complaint with the [*Teacher Standards and Practices Com-*
 2 *mission*] **Department of Education** regarding a [*commission*] **department** licensee. If a complaint
 3 concerns an allegation of sexual conduct that may have been committed by a [*commission*] **depart-**
 4 **ment** licensee, the complaint process provided by this section does not apply and the [*commission*]
 5 **department** shall investigate the complaint as provided by ORS 339.390.

6 (b) Prior to beginning an investigation based on a complaint filed under paragraph (a) of this
 7 subsection, the [*commission*] **department** may require verification that attempts were made to re-
 8 solve the complaint through the complaint process of the school district that employs the person
 9 against whom the complaint was filed. If the [*commission*] **department** does not receive verification
 10 within 12 months of providing notice that verification is required, the [*commission*] **department** no
 11 longer has a duty to investigate the complaint.

12 (c) After receiving sufficient verification as provided by paragraph (b) of this subsection, the
 13 [*commission*] **department** shall promptly undertake an investigation upon receipt of a complaint or
 14 information that constitutes grounds for:

15 (A) Refusal to issue a license or registration, as provided under ORS 342.143;

16 (B) Suspension or revocation of a license or registration, discipline of a [*commission*] **depart-**
 17 **ment** licensee, or suspension or revocation of the right to apply for a license or registration, as
 18 provided under ORS 342.175; or

19 (C) Discipline for failure to provide appropriate notice prior to resignation, as provided under
 20 ORS 342.553.

21 (2) The [*commission*] **department** may appoint an investigator and shall furnish the investigator
 22 with appropriate professional and other special assistance reasonably required to conduct the in-
 23 vestigation, and the investigator is empowered to issue subpoenas to require the attendance of wit-
 24 nesses or the production of documents [*over the signature of the executive director of the Teacher*
 25 *Standards and Practices Commission*], subpoena witnesses [*over the signature of the executive*
 26 *director*], swear witnesses and compel obedience in the same manner as provided under ORS 183.440
 27 (2).

28 (3) Following completion of an investigation, the [*executive director or the executive director's*
 29 *designee*] **Superintendent of Public Instruction** shall:

30 (a) Forward to the **Teacher Standards and Practices** Commission a report related to any in-
 31 vestigation that concluded that a violation occurred under ORS 342.143, 342.175 or 342.553; or

32 (b) Determine whether to forward to the commission a report related to any investigation not
 33 described in paragraph (a) of this subsection.

34 (4) If a report is to be forwarded to the commission as described in subsection (3) of this section,
 35 the [*executive director or the executive director's designee*] **superintendent** shall report in writing the
 36 findings and recommendations to impose disciplinary sanctions to:

37 (a) The commission, meeting in executive session, at its next regular meeting following com-
 38 pletion of the investigation; and

39 (b) The person against whom the charge is made, following consideration by the commission.

40 (5)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used
 41 in the investigation undertaken as provided by this section and the report related to the investi-
 42 gation are confidential and not subject to public inspection unless the commission makes a final
 43 determination to:

44 (A) Refuse to issue a license or registration, as provided under ORS 342.143;

45 (B) Suspend or revoke a license or registration, discipline a [*commission*] **department** licensee,

1 or suspend or revoke the right to apply for a license or registration, as provided under ORS 342.175;
 2 or

3 (C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided
 4 under ORS 342.553.

5 (b) Records made available to the **department or** commission under ORS 419B.035 (1)(h) shall
 6 be kept confidential.

7 (6) If the commission finds from the report that there is sufficient cause to justify holding a
 8 hearing under ORS 342.177, the commission shall notify in writing:

9 (a) The person charged, enclosing a statement of the charges and a notice of opportunity for
 10 hearing;

11 (b) The complainant; and

12 (c) The employing district or public charter school, if any.

13 (7) If there is not sufficient cause to justify holding a hearing under ORS 342.177, the commis-
 14 sion shall notify in writing:

15 (a) The person charged;

16 (b) The complainant; and

17 (c) The employing district or public charter school, if any.

18 (8) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section
 19 in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions.

20 **SECTION 44.** ORS 342.177 is amended to read:

21 342.177. (1)(a) Hearings under ORS 339.390 and 342.176 shall be conducted by an administrative
 22 law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

23 (b) Any hearing conducted under this section shall be private unless the person against whom
 24 the charge is made requests a public hearing. Students attending school in the employing district
 25 may not attend any hearing except as witnesses duly subpoenaed to testify with respect to the
 26 charges made. Students attending a public charter school that employs the person may not attend
 27 any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. The
 28 person charged shall have the right to be represented by counsel and to present evidence and argu-
 29 ment. The evidence must be confined to the charges.

30 (2) The Teacher Standards and Practices Commission or the person charged may have subpoenas
 31 issued to compel attendance at the hearing. The person charged may have subpoenas issued by an
 32 attorney of record subscribed by the signature of the attorney or by the *[executive director of the*
 33 *Teacher Standards and Practices Commission]* **Superintendent of Public Instruction**. Witnesses
 34 appearing pursuant to subpoena, other than the parties or officers or employees of the commission,
 35 shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission
 36 or the person charged shall have the right to compel the attendance and obedience of witnesses in
 37 the same manner as provided under ORS 183.440 (2).

38 (3) The commission shall render its decision at its next regular meeting following the hearing.
 39 If the decision of the commission is that the charge described in ORS 342.175 (1) has been proven,
 40 the commission may take any or all of the following disciplinary action against the person charged:

41 (a) Issue a public reprimand.

42 (b) Place the person on probation for a period not to exceed four years and subject to such
 43 conditions as the commission considers necessary.

44 (c) Suspend the license or registration of the teacher or administrator for a period not to exceed
 45 one year.

1 (d) Revoke the license or registration of the teacher or administrator.

2 (e) Revoke the right to apply for a license or registration.

3 (4) If the decision of the commission is that the charge is not proven, the commission shall order
4 the charges dismissed.

5 (5) The commission shall notify in writing the person charged and the employing district or
6 public charter school of the decision.

7 **SECTION 45.** ORS 342.183 is amended to read:

8 342.183. (1) The Teacher Standards and Practices Commission may issue a letter of informal re-
9 proval to a person licensed, registered or certified by the [*commission*] **Department of Education**
10 if:

11 (a) Following the completion of an investigation **by the department**, the commission determines
12 that the person has engaged in conduct that affects the person's ability to be professionally effective,
13 based on standards adopted by the commission by rule; and

14 (b) Subject to subsection (5) of this section, the commission agrees not to pursue disciplinary
15 action against the person under ORS 342.175 and the person agrees to the terms of the letter of
16 informal reprovall, including a monitoring period.

17 (2) A letter of informal reprovall issued as provided by subsection (1) of this section shall es-
18 tablish the terms of a monitoring period for the person to whom the letter is issued.

19 (3) Upon the issuance of a letter of informal reprovall, the commission shall notify the employer
20 of the person to whom the letter is issued, including any terms of the letter that the employer may
21 need to know to assist the person in complying with the terms of the letter.

22 (4) A letter of informal reprovall issued as provided by subsection (1) of this section:

23 (a) Is confidential; and

24 (b) Except when a disciplinary action is taken as provided in subsection (5) of this section, may
25 not be posted on an interstate clearinghouse related to educator license sanctions.

26 (5) If a person fails to comply with the terms of a letter of informal reprovall, the commission
27 may take disciplinary action against the person based on one or both of the following:

28 (a) The conduct underlying the letter of informal reprovall; or

29 (b) The failure to comply with the terms of the letter of informal reprovall.

30 (6) If the [*executive director of the Teacher Standards and Practices Commission*] **Superintendent**
31 **of Public Instruction** determines that a person failed to meet the terms of a letter of informal re-
32 proval, the [*executive director*] **superintendent** shall report the failure to the commission for the
33 commission to make a final determination pursuant to ORS 339.390 or 342.176.

34 (7) The documents and materials used in an investigation for the purposes of this section are
35 confidential and are not subject to public inspection unless the commission makes a final determi-
36 nation to discipline the person pursuant to ORS 342.175.

37 **SECTION 46.** ORS 342.192 is amended to read:

38 342.192. (1) The [*Teacher Standards and Practices Commission*] **Department of Education** may
39 issue a license to an out-of-state applicant if the applicant has met the professional requirements
40 established by rule by the **Teacher Standards and Practices** Commission and has completed a
41 course of study that is acceptable to the [*commission*] **department based on commission rule**.

42 (2) Applicants granted licenses under this section shall be required to meet all standards re-
43 quired of Oregon teachers, including the requirements of ORS 342.123, not later than two years
44 following the date of initial granting of the license.

45 **SECTION 47.** ORS 342.195 is amended to read:

1 342.195. (1) An otherwise qualified applicant for a preliminary teaching license shall be granted
 2 the license upon payment of the required fees and the showing by proof satisfactory to the [*Teacher*
 3 *Standards and Practices Commission*] **Department of Education** that:

4 (a) While the applicant was in the Peace Corps program or was a volunteer under section 603
 5 of the Economic Opportunity Act of 1964 (Public Law 88-452), the applicant:

6 (A) Completed two years of satisfactory service that emphasized teaching in any preprimary
 7 program or in any grade 1 through 12 in subjects regularly taught in public schools; and

8 (B)(i) Has completed an approved educator preparation program; or

9 (ii) Has earned at least a baccalaureate degree from an accredited institution of higher educa-
 10 tion and has completed a teacher training program provided under the auspices of the federal pro-
 11 gram; or

12 (b) The applicant was a certified instructor for the Armed Forces of the United States, if the
 13 applicant provides the [*commission*] **department** with documentation of military training or experi-
 14 ence that the [*commission*] **department** determines is substantially equivalent to the training re-
 15 quired for a preliminary teaching license.

16 (2)(a) The **Teacher Standards and Practices** Commission shall establish by rule an expedited
 17 process by which a military spouse or domestic partner who is licensed to teach in another state
 18 may apply for and obtain a teaching license.

19 (b) As used in this subsection, “military spouse or domestic partner” means a spouse or domestic
 20 partner of an active member of the Armed Forces of the United States who is the subject of a mil-
 21 itary transfer to Oregon.

22 **SECTION 48.** ORS 342.200 is amended to read:

23 342.200. In order to allow the school districts of the state to take full advantage of various
 24 professional skills and disciplines not directly developed through teaching experience or professional
 25 education for which teaching experience is a prerequisite, it is the public policy of the State of
 26 Oregon that the [*Teacher Standards and Practices Commission*] **Department of Education**, when
 27 considering an applicant for an administrative license, shall consider professional skills, education
 28 and experience not directly related to, nor contingent upon, teaching experience or training as a
 29 classroom teacher.

30 **SECTION 49.** ORS 342.202 is amended to read:

31 342.202. (1) The Department of Education, in partnership with the Teacher Standards and Prac-
 32 tices Commission, shall create a comprehensive leadership development system for administrators
 33 licensed under ORS 342.125.

34 (2) The comprehensive leadership development system must include:

35 (a) A cost-effective plan that requires the coordination of public and private organizations and
 36 resources to:

37 (A) Improve the success of this state’s highest needs students;

38 (B) Provide research and technical assistance to schools seeking to adopt or enhance evidence-
 39 based leadership practices;

40 (C) Recruit underrepresented persons into the field of public school leadership; and

41 (D) Strengthen the capacity of administrators to improve education in public schools in this
 42 state;

43 (b) A plan for collaboration and continuous improvement among administrator preparation pro-
 44 grams approved by the [*Teacher Standards and Practices Commission*] **department** to support
 45 performance-based assessments for administrators and candidates for administrative licensure;

1 (c) A plan for recruitment of underrepresented persons into administrator leadership programs;

2 (d) The improvement of access to high quality preparation and professional development for ad-
3 ministrators working in rural school districts;

4 (e) A method for disseminating evidence-based practices to support the development of effective
5 principals and teachers; and

6 (f) A method for providing research and technical assistance to school districts to encourage the
7 placement of the most highly effective teachers in the highest need schools.

8 **SECTION 50.** ORS 342.203 is amended to read:

9 342.203. (1) The [*Teacher Standards and Practices Commission*] **Department of Education** shall
10 regularly publish information online that can be accessed by school districts, public charter schools
11 and education service districts and that includes the following:

12 (a) All teachers and administrators whose teaching or administrative licenses have been sus-
13 pended or revoked or who have been reprimanded or placed on probation during the preceding 12
14 months.

15 (b) All candidates enrolled in approved educator preparation programs under ORS 342.147 whose
16 right to apply for a license or registration has been suspended or revoked during the preceding 12
17 months.

18 (2) If the decision of the **Teacher Standards and Practices** Commission is appealed under ORS
19 342.180, the name of the teacher, administrator or candidate shall not be published online under
20 subsection (1) of this section unless and until such decision has been sustained by the Court of Ap-
21 peals or until the appeal has been dropped.

22 **SECTION 51.** ORS 342.223 is amended to read:

23 342.223. (1) For the purpose of requesting a state or nationwide criminal records check under
24 ORS 181A.195, the [*Teacher Standards and Practices Commission*] **Department of Education** may
25 require the fingerprints of:

26 (a) A person who is applying for a license or registration under ORS 342.120 to 342.430 as a
27 teacher, administrator or personnel specialist if the person has not submitted to a criminal records
28 check by the [*commission*] **department** within the previous three years or has remained contin-
29 uously licensed by or registered with the [*commission*] **department** for a different license or regis-
30 tration for which the person already has submitted to a criminal records check by the
31 [*commission*] **department**.

32 (b) A person who is applying for reinstatement of a license or registration as a teacher, admin-
33 istrator or personnel specialist, or a certificate as a school nurse, whose license, registration or
34 certificate has lapsed for at least three years.

35 (c) A person who is applying for a certificate under ORS 342.475 as a school nurse.

36 (d) A person who is registering with the [*commission*] **department** for supervised clinical prac-
37 tice experience, practicum or internship as a teacher, administrator or personnel specialist, if the
38 person does not hold a current license issued by the [*commission*] **department** and has not submit-
39 ted to a criminal records check by the [*commission*] **department** within the previous three years for
40 student teaching, practicum or internship as a teacher, administrator or personnel specialist.

41 (e) A person who is applying for a registration as a public charter school teacher or adminis-
42 trator under ORS 342.125.

43 (2) The making of any false statement as to the conviction of a crime is grounds for refusal to
44 issue, renew or reinstate a license, certificate or registration and is in addition to the grounds stated
45 in ORS 342.143.

1 (3) A person may appeal the refusal to issue a license, registration or certificate under this
2 section as a contested case under ORS 183.413 to 183.470, but the refusal to renew or reinstate a
3 license or registration is subject to ORS 342.175 to 342.180, and the *[commission]* **department** shall
4 notify the person of the right to appeal.

5 **SECTION 52.** ORS 342.390 is amended to read:

6 342.390. (1) The Teacher Standards and Practices Commission shall meet at least once every six
7 months at a place, day and hour determined by the commission. The commission shall also meet at
8 such other times and places as are specified by the call of the chairperson or of a majority of the
9 members of the commission or as required by the *[executive director of the Teacher Standards and*
10 *Practices Commission]* **Superintendent of Public Instruction** for the purposes of ORS 339.390.

11 (2) A member of the commission who is employed at a public school or by a private educator
12 preparation provider or by a public university listed in ORS 352.002:

13 (a) May not receive compensation for services as a member.

14 (b) Shall receive actual and necessary travel and other expenses incurred in the performance
15 of official duties as provided by ORS 292.495 (2) and subject to any other applicable law regulating
16 travel and other expenses for state officers.

17 (3) A member of the commission who serves on the commission in the capacity of a district
18 school board member or as a member of the general public shall be entitled to compensation and
19 expenses as provided in ORS 292.495 (1) and (2).

20 **SECTION 53.** ORS 342.420 is amended to read:

21 342.420. (1) Membership on the Teacher Standards and Practices Commission shall not affect a
22 member's compensation from the employer of the member or any other benefits to which the member
23 is entitled.

24 (2) A school district required to employ a substitute for a teacher or administrator who is absent
25 from employment while performing duties as a member of the Teacher Standards and Practices
26 Commission shall be entitled to reimbursement for the district's actual expenses in employing the
27 substitute. *[Reimbursement for the expense of employing such substitutes shall be made by the com-*
28 *mission from the Teacher Standards and Practices Commission Account.]*

29 **SECTION 54.** ORS 342.425 is amended to read:

30 342.425. (1) The *[executive director of the Teacher Standards and Practices Commission]* **Super-**
31 **intendent of Public Instruction, in collaboration with the Department of Education, Teacher**
32 **Standards and Practices Commission and the Educator Advancement Council,** shall prepare
33 an annual report related to the *[duties, powers and functions of the commission]* **educator workforce**
34 **of this state.**

35 (2) The report required by this section must include:

36 (a) The number of teaching licenses and administrative licenses that have been issued during the
37 previous year.

38 (b) Trends related to the number of licenses issued and types of licenses issued during the pre-
39 vious year as compared to earlier years.

40 (c) Trends related to sanctions imposed on licensees during the previous year as compared to
41 earlier years.

42 (d) A summary of activities occurring during the previous year related to educator preparation
43 programs, including changes made to requirements for approved educator preparation providers, and
44 the status of each educator preparation program in this state.

45 (e) A summary of significant changes to rules during the previous year and other efforts by the

1 *[commission]* **department, commission and council** during the previous year to implement statutes.

2 (f) A summary of placement of students in educator preparation programs, completion rates for
3 students in educator preparation programs and recommendations for improving teacher preparation
4 programs.

5 (3) The report required by this section must be submitted to the appropriate committees or in-
6 terim committees of the Legislative Assembly no later than July 1 of every year.

7 **SECTION 55.** ORS 342.430 is amended to read:

8 342.430. (1) **The Teacher Licensure Account is established in the State Treasury, separate
9 and distinct from the General Fund. Interest earned by the account shall be credited to the
10 account.**

11 (2) On or before the 10th day of each month, the *[Teacher Standards and Practices
12 Commission]* **Department of Education** shall pay into the *[State Treasury]* **Teacher Licensure
13 Account** all moneys received under this chapter. *[The State Treasurer shall credit the moneys to the
14 Teacher Standards and Practices Commission Account.]* The moneys in the *[Teacher Standards and
15 Practices Commission Account]* **Teacher Licensure Account** are continuously appropriated to the
16 *[commission]* **department** for the purpose of paying *[its]* administrative expenses **incurred under
17 this chapter.**

18 **SECTION 56.** ORS 342.443 is amended to read:

19 342.443. (1) The Education and Workforce Policy Advisor shall report biennially to the Legisla-
20 tive Assembly longitudinal data on the number and percentage of:

21 (a) Diverse students enrolled in community colleges;

22 (b) Diverse students enrolled in public universities;

23 (c) Diverse students graduated from public universities;

24 (d) Diverse candidates enrolled in public approved educator preparation programs;

25 (e) Diverse candidates who have completed public approved educator preparation programs;

26 (f) Diverse candidates receiving Oregon teaching or administrative licenses or registrations
27 based on preparation in this state and preparation in other states;

28 (g) Diverse educators who are newly employed in the public schools in this state; and

29 (h) Diverse educators already employed in the public schools.

30 (2) The advisor also shall report comparisons of scores achieved by diverse persons and nondi-
31 verse persons on basic skills, pedagogy and subject matter tests.

32 (3) The Higher Education Coordinating Commission, the public universities listed in ORS
33 352.002, the Department of Education, the Teacher Standards and Practices Commission, **the Edu-
34 cator Advancement Council**, community colleges and school districts shall cooperate with the ad-
35 visor in collecting data and preparing the report.

36 **SECTION 57.** ORS 342.455 is amended to read:

37 342.455. "School nurse" as used in ORS 342.465 and 342.475, means a registered nurse who is
38 certified by the *[Teacher Standards and Practices Commission]* **Department of Education** as quali-
39 fied to conduct and coordinate the health services programs of a school.

40 **SECTION 58.** ORS 342.465 is amended to read:

41 342.465. (1) The Teacher Standards and Practices Commission shall adopt by rule standards
42 necessary for the issuance, denial, continuation, renewal, lapse or reinstatement of certificates is-
43 sued under ORS 342.475 (1) to (3) and for establishment and collection of fees for certification as a
44 school nurse. The *[commission]* **State Board of Education** may adopt by rule procedures for revo-
45 cation of a certificate issued under ORS 342.475 (1) to (3) that are consistent with ORS 342.175 to

1 342.180.

2 (2) The Oregon State Board of Nursing shall notify the [*commission*] **Department of Education**
3 whenever the board takes any action on a license issued under ORS chapter 678 which might affect
4 the ability of the license holder to practice as a school nurse.

5 **SECTION 59.** ORS 342.475 is amended to read:

6 342.475. (1) "School nurse" is established as a category of specialization in nursing.

7 (2) The [*Teacher Standards and Practices Commission*] **Department of Education** shall issue a
8 certificate as a school nurse to a person who complies with the rules established by the **Teacher**
9 **Standards and Practices** Commission for the certification and practice of school nursing and who
10 has been licensed by the Oregon State Board of Nursing. In establishing rules for the certification
11 and practice of any specialization of school nursing, the commission shall consider the recommen-
12 dations of the Oregon State Board of Nursing.

13 (3) The [*commission*] **department** may issue an emergency certificate that authorizes a person
14 licensed as a registered nurse in this state who does not meet the requirements of subsection (2) of
15 this section to practice as a school nurse. Such certificates shall be issued for a limited time as set
16 by the commission.

17 (4) Notwithstanding subsections (1) to (3) of this section, the [*commission*] **department** shall is-
18 sue a certificate in a school nurse specialization category to a registered nurse who applies for
19 certification and who is employed by a school, school district or education service district to con-
20 duct and coordinate a school or district health services program or who serves in such a capacity
21 on a voluntary basis on November 1, 1981. A certificate issued under this subsection shall be issued
22 without further proof of qualification by the applicant.

23 (5) A certificate issued under this section is not a teaching license. The nurse holding a certifi-
24 cate issued under this section is not subject to ORS 238.280 or 342.805 to 342.937.

25 **SECTION 60.** ORS 342.485 is amended to read:

26 342.485. The Teacher Standards and Practices Commission **and the Department of Education**
27 shall consult with and advise the Oregon State Board of Nursing on the qualifications and practices
28 involved in school nursing.

29 **SECTION 61.** ORS 342.553 is amended to read:

30 342.553. (1) Upon notice from a district school board of the resignation of a person who is li-
31 censed by or registered with the [*Teacher Standards and Practices Commission*] **Department of**
32 **Education**, the **Teacher Standards and Practices** Commission may discipline the person if the
33 person entered into a written contract to work in a public school and resigned the position without
34 first providing 60 days' written notice, or the notice required in the applicable collective bargaining
35 agreement, to the district superintendent or the school board.

36 (2) In disciplining a person as provided under this section, the commission shall follow the pro-
37 cedure set forth in ORS 342.175 (4), 342.176 and 342.177.

38 **SECTION 62.** ORS 342.621 is amended to read:

39 342.621. (1) As used in this section:

40 (a) "Classified school employee" includes all employees of a school district except those for
41 whom a teaching or administrative license is required as a basis for employment in a school district.

42 (b) "Individualized education program" has the meaning given that term in ORS 343.035.

43 (c) "Licensed educator" means a teacher, administrator or other school professional who is li-
44 censed, registered or certified by the [*Teacher Standards and Practices Commission*] **Department**
45 **of Education**.

1 (d) “Salary” has the meaning given that term in ORS 653.010.

2 (e) “School district” means:

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

4 (B) An education service district.

5 (2) For each licensed educator or classified school employee who provides significant special
6 education support, as determined under subsection (3) of this section, a school district may pay one
7 or more of the following:

8 (a) An additional percentage of the educator’s or employee’s salary or hourly wage.

9 (b) Notwithstanding ORS 652.220, a one-time payment in addition to the educator’s or employee’s
10 salary or hourly wage.

11 (3) For purposes of this section, a licensed educator or a classified school employee provides
12 significant special education support if 75 percent or more of the educator’s or employee’s student
13 caseload consists of students who have an individualized education program.

14 (4) A salary or wage increase specified in subsection (2) of this section is exclusive of health
15 benefits and other benefits the school district provides to licensed educators or classified school
16 employees or that are otherwise required under the laws of this state.

17 **SECTION 63.** ORS 342.856 is amended to read:

18 342.856. (1) The State Board of Education, in consultation with the Teacher Standards and
19 Practices Commission **and the Educator Advancement Council**, shall adopt core teaching stan-
20 dards to improve student academic growth and learning by:

21 (a) Assisting school districts in determining the effectiveness of teachers and administrators and
22 in making human resource decisions; and

23 (b) Improving the professional development and the classroom and administrative practices of
24 teachers and administrators.

25 (2) The core teaching standards adopted under this section must:

26 (a) Take into consideration multiple measures of teacher effectiveness, based on widely accepted
27 standards of teaching that encompass a range of appropriate teaching behaviors and that use mul-
28 tiple evaluation methods;

29 (b) Take into consideration evidence of student academic growth and learning based on multiple
30 measures of student progress, including performance data of students, schools and school districts;

31 (c) Be research-based;

32 (d) Be separately developed for teachers and administrators; and

33 (e) Be able to be customized for each school district, which may include individualized weighting
34 and application of standards.

35 (3) The core teaching standards adopted under this section must attempt to:

36 (a) Strengthen the knowledge, skills, disposition and classroom and administrative practices of
37 teachers and administrators in public schools;

38 (b) Refine the support, assistance and professional growth opportunities offered to a teacher or
39 an administrator, based on the individual needs of the teacher or administrator and the needs of the
40 students, the school and the school district of the teacher or administrator;

41 (c) Allow each teacher or administrator to establish a set of classroom or administrative prac-
42 tices and student learning objectives that are based on the individual circumstances of the teacher
43 or administrator, including the classroom or other assignments of the teacher or administrator;

44 (d) Establish a formative growth process for each teacher and administrator that supports pro-
45 fessional learning and collaboration with other teachers and administrators; and

1 (e) Use evaluation methods and professional development, support and other activities that are
2 based on curricular standards and that are targeted to the needs of each teacher and administrator.

3 (4) A school district board must include the core teaching standards adopted under this section
4 for all evaluations of teachers and administrators of the school district. The standards shall be
5 customized based on the collaborative efforts of the teachers and administrators of the school dis-
6 trict and the exclusive bargaining representative of the employees of the school district.

7 **SECTION 64.** ORS 342.940, as amended by section 31, chapter 95, Oregon Laws 2024, is
8 amended to read:

9 342.940. (1) As used in this section and ORS 342.943, “educator” means [*a person who is:*]

10 [(a) *A teacher, an administrator or another school employee who is employed to provide instruction*
11 *or support to students in early childhood education or in kindergarten through grade 12; or]*

12 [(b) *Entering into or enrolled in an educator preparation program*] **a teacher, administrator or**
13 **other school professional who is licensed, registered or certified by the Department of Edu-**
14 **cation.**

15 [(2)](a) *The Educator Advancement Council shall be established and function under an intergov-*
16 *ernmental agreement, pursuant to ORS 190.003 to 190.130, between state agencies and one or more*
17 *school districts and education service districts. The state agencies that must be parties to the intergov-*
18 *ernmental agreement are the Department of Education, the Department of Early Learning and Care, the*
19 *Teacher Standards and Practices Commission and the Higher Education Coordinating Commission.]*

20 [(b)] **The Department of Education shall establish the Educator Advancement Council.** The
21 purposes of the council are to provide resources **and advice** related to educator professional learn-
22 ing and to provide other educator supports.

23 [(3) *The intergovernmental agreement establishing the council shall outline the governance frame-*
24 *work and the administrative details necessary for the efficient and effective implementation of the duties*
25 *of the council.]*

26 [(4)(a) *The council shall consist of:*]

27 [(A) *Members who are representatives of the parties to the intergovernmental agreement establish-*
28 *ing the council.]*

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

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

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

40 [(5)] **(3)** The council shall:

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

43 (b) Administer the beginning teacher and administrator mentorship program under ORS 329.788
44 to 329.820;

45 (c) Coordinate the distribution of moneys to educator networks from the Educator Advancement

1 Fund based on the needs of the educators identified by the networks;

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

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

6 **(4) In fulfilling the purposes of the council, the council shall consult with:**

7 **(a) The Department of Early Learning and Care;**

8 **(b) The Teacher Standards and Practices Commission;**

9 **(c) The Higher Education Coordinating Commission;**

10 **(d) School districts; and**

11 **(e) Education service districts.**

12 ~~[(6)]~~ **(5)** The Department of Education shall provide support to the strategic direction of the
13 council by:

14 (a) Conducting and coordinating research to monitor:

15 (A) Teaching and learning conditions;

16 (B) Educator workforce supply and demand; and

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

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

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

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

25 (e) Supporting a statewide plan for increasing:

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

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

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

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

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

34 (B) Considers the delivery of services for the benefit of all regions of this state when establish-
35 ing the system of educator networks.

36 (C) Works toward improving student progress indicators identified by the Department of Edu-
37 cation or set forth in ORS 350.014.

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

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

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

43 (j) Providing technical assistance to the council, including online systems for sharing profes-
44 sional learning resources and supporting educator networks.

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

1 section.

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

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

5 (B) Providing technical assistance to educator networks; and

6 (C) Entering into grant agreements or contracts for the distribution of funds to educator net-
7 works.

8 [(7)(a)] **(6)(a)** The State Board of Education and the Teacher Standards and Practices Commis-
9 sion may adopt any rules necessary at the request of the council to support the council or to per-
10 form any duties assigned to the board or commission under this section.

11 (b) The council may adopt rules pursuant to ORS chapter 183 for the purposes of ORS 329.788
12 to 329.820 and 342.943.

13 [(8)] **(7)** The council shall be considered a board for purposes of ORS chapter 180.

14 **SECTION 65.** ORS 342.971 is amended to read:

15 342.971. (1) There is created the Educator Preparation Improvement Fund, separate and distinct
16 from the General Fund. Interest earned on moneys in the Educator Preparation Improvement Fund
17 shall be credited to the fund.

18 (2) The [*Teacher Standards and Practices Commission*] **Department of Education** may accept
19 from any source any grant, donation or gift of money or other valuable thing made to the [*commis-*
20 *sion*] **department** for purposes of the Educator Preparation Improvement Fund.

21 (3) Moneys credited to the Educator Preparation Improvement Fund are continuously appropri-
22 ated to the [*commission*] **department** for the purposes set forth in subsection (4) of this section. The
23 [*commission*] **department** may draw checks or orders upon the State Treasurer in making dis-
24 bursements from the Educator Preparation Improvement Fund for the purposes set forth in sub-
25 section (4) of this section.

26 (4) The purpose of the Educator Preparation Improvement Fund is to encourage approved edu-
27 cator preparation programs and school district partnerships that:

28 (a) Respond to changes in education of students in preprimary programs and grades 1 through
29 12;

30 (b) Encourage collaboration around delivery models that provide effective professional prepara-
31 tion;

32 (c) Recognize the needs of the education workforce in this state, including but not limited to
33 recruiting underrepresented persons, teachers and administrators to work in high needs areas such
34 as special education, mathematics, science and teaching English to speakers of other languages;

35 (d) Encourage collaborative initiatives that improve student success and postsecondary access
36 and achievement; and

37 (e) Respond to the need for national accreditation of approved educator preparation programs
38 in this state.

39 **SECTION 66.** ORS 343.328 is amended to read:

40 343.328. (1)(a) A parent or a foster parent may, at any time, revoke consent for the placement
41 of a student with a disability on an abbreviated school day program.

42 (b) Consent for the abbreviated school day program placement shall be considered revoked if,
43 at any time, the parent or the foster parent revokes the consent, in writing, to an abbreviated school
44 day program placement or makes a written objection to the abbreviated school day program place-
45 ment.

1 (c) Upon receipt of a written revocation or objection to the abbreviated school day program
 2 placement, the school district superintendent shall ensure that, within five school days or by a later
 3 date specified in a written notice provided by the parent or foster parent, the student has meaningful
 4 access to the same number of hours of instruction and educational services that are provided to the
 5 majority of other students who are in the same grade within the student's resident school district.

6 (d) Notwithstanding paragraph (c) of this subsection, a parent or foster parent of a student may
 7 allow the school district superintendent to have an extension of an additional five school days to
 8 ensure that the student has meaningful access to the same number of hours of instruction and edu-
 9 cational services that are provided to the majority of other students who are in the same grade
 10 within the student's resident school district if:

11 (A) The parent or foster parent provides written consent for the extension;

12 (B) The parent or foster parent has not previously provided written consent for an extension for
 13 the student during the school year;

14 (C) The written consent states that the parent or foster parent understands that the parent or
 15 foster parent is not required to give consent for the extension and that the refusal to give consent
 16 for the extension will not result in adverse actions being taken against the student; and

17 (D) The school district provides to the parent or foster parent, in writing and in a language and
 18 format accessible to the parent or foster parent, the specific reasons why the extension is needed.

19 (e) If a school district fails to provide meaningful access before the expiration of an extension
 20 allowed under paragraph (d) of this subsection, any calculations of compensatory education that
 21 must be provided by the school district will be made as though an extension had not been allowed.

22 (f) If a student is on an abbreviated school day program on the last day of the school year and
 23 the student's parent or foster parent makes a written objection to the abbreviated school day pro-
 24 gram placement or revokes consent for the abbreviated school day program placement at least 14
 25 calendar days prior to the beginning of the next school year, the student shall, beginning on the first
 26 day of the new school year, be provided with meaningful access to the same number of hours of in-
 27 struction and educational services that are provided to the majority of other students who are in
 28 the same grade within the student's resident school district.

29 (2)(a) When the Department of Education receives a complaint or otherwise has cause to believe
 30 a school district is not in compliance with ORS 343.322 (7) and 343.324 (5), the department must in-
 31 itiate an investigation and inform the school district of any noncompliance within 30 calendar days
 32 of receiving the complaint or having cause to believe the school district is not in compliance.

33 (b) If a complaint described in paragraph (a) of this subsection relates to a specific student and
 34 is submitted by the student's parent or foster parent, the Superintendent of Public Instruction is not
 35 required to conduct an investigation and shall:

36 (A) Presume that consent for the abbreviated school day program placement has been revoked.

37 (B) Immediately, and in no case no more than two business days after receipt of the complaint,
 38 order the school district to provide to the student, within five school days, meaningful access to the
 39 same number of hours of instruction and educational services that are provided to the majority of
 40 other students who are in the same grade within the student's resident school district. For the
 41 purpose of this subparagraph, "business day" has the meaning given that term in ORS 192.311.

42 (C) Find the school district is not in compliance with ORS 343.322 (7) and 343.324 (5) if the
 43 school district fails to comply with the order described in subparagraph (B) of this paragraph and
 44 the parent or foster parent has not granted written consent for an extension as described in sub-
 45 section (1)(d) of this section.

1 (c) If the superintendent finds that a school district is not in compliance with ORS 343.322 (7)
 2 and 343.324 (5), either after an investigation or as provided by paragraph (b) of this subsection, the
 3 superintendent shall:

4 (A) Enter an order that any students named in the complaint or identified in the course of an
 5 investigation initiated under paragraph (a) of this subsection who are placed on an abbreviated
 6 school day program in violation of ORS 343.322 (7) and 343.324 (5) be provided, within five school
 7 days of the final order, with meaningful access to the same number of hours of instruction and ed-
 8 ucational services that are provided to the majority of other students who are in the same grade
 9 within the student's resident school district.

10 (B) If the school district fails to comply with the order described in subparagraph (A) of this
 11 paragraph within five school days, find the school district nonstandard under ORS 327.103 or 334.217
 12 until all students subject to the order and placed on an abbreviated school day program in violation
 13 of ORS 343.322 (7) and 343.324 (5) are provided with meaningful access to the same number of hours
 14 of instruction and educational services that are provided to the majority of other students who are
 15 in the same grade within the student's resident school district.

16 (C) If the school district fails to comply with the order described in subparagraph (A) of this
 17 paragraph within 10 school days and notwithstanding any timelines or process requirements of ORS
 18 327.103 or 334.217, immediately withhold State School Fund moneys that otherwise would be dis-
 19 tributed to the school district. Amounts withheld must be calculated based on the weighted average
 20 daily membership attributable to the students subject to the order, as calculated under ORS 327.013,
 21 and the percentage of the school year that the students were placed on an abbreviated school day
 22 program in violation of ORS 343.322 (7) and 343.324 (5).

23 (D) Require the school district to provide compensatory education to the students subject to the
 24 order that is equivalent to at least one hour of direct instruction for every two hours of instruction
 25 that were lost due to an abbreviated school day program placement in violation of ORS 343.322 (7)
 26 and 343.324 (5).

27 (3) The failure of a school district superintendent to restore meaningful access to a student
 28 within the time required by ORS 343.326 (3)(b)(B) or subsection (1)(c) or (d) of this section or to
 29 comply with an order issued under subsection (2)(c) of this section to restore meaningful access to
 30 all students subject to the order may be grounds for discipline by the Teacher Standards and Prac-
 31 tices Commission under ORS 342.175. If the [*commission*] **Department of Education** receives a
 32 complaint concerning a failure described in this subsection, the commission shall take into consid-
 33 eration the responsive efforts and actions of the superintendent to restore meaningful access to the
 34 student or students.

35 **SECTION 67.** ORS 344.059 is amended to read:

36 344.059. The Department of Education shall advance the policy on career and technical educa-
 37 tion described in ORS 344.055 by:

38 (1) Administering the distribution of grants or entering into contracts for the purpose of ex-
 39 panding teacher training programs related to career and technical education that can lead to high
 40 wage and high demand jobs. Grants awarded, or contracts entered into, under this subsection may
 41 be funded with moneys available under ORS 327.372 and must:

42 (a) Not exceed \$250,000 per grant or contract;

43 (b) Be awarded to, or be entered with, an educator preparation program or an educator prepa-
 44 ration provider, regardless of whether courses are offered in a traditional setting, by an alternative
 45 delivery method or by an alternative time frame;

1 (c) Be awarded or entered into for an educator preparation program that has a plan for re-
2 cruiting students to the program;

3 (d) Be used to develop and provide coursework that:

4 (A) Qualifies for credit or as professional development and that satisfies licensure or endorse-
5 ment requirements; and

6 (B) Is provided in a broad group of instructional areas that are grouped to give context for ac-
7 ademic, technical and career learning; and

8 (e) To the extent practicable, align with grant distribution requirements of the Career and
9 Technical Education Revitalization Grant Program described in ORS 344.075.

10 (2) Developing and supporting the infrastructure for an online system that is accessible state-
11 wide and that delivers courses and professional development to teachers of career and technical
12 education. For the purpose of this subsection, the department may retain up to eight percent of the
13 moneys available to the department under this section.

14 **(3) Establishing and regularly updating the requirements for an educator preparation
15 program for prospective career and technical education teachers with trade or industry ex-
16 perience. The requirements must:**

17 **(a) Identify a minimum number of required credit hours for a program; and**

18 **(b) Be established and regularly updated based on consultations with relevant trade or
19 industry stakeholders, the Teacher Standards and Practices Commission, the Educator Ad-
20 vancement Council and the Higher Education Coordinating Commission.**

21 ~~[(3)]~~ **(4) Collaborating with the Teacher Standards and Practices Commission and the Educator
22 Advancement Council to:**

23 **(a) Enable experts in trade or industry to become teachers of career and technical education,
24 including through a limited license or alternative requirements for licensure;**

25 **(b) Coordinate communications about career and technical education, including communications:**

26 **(A) Intended to identify potential teachers of career and technical education from trade or in-
27 dustry;**

28 **(B) With experts in trades or industry about the requirements for transitioning from employment
29 in a trade or an industry to teaching; and**

30 **(C) With educator preparation programs and educator preparation providers about teaching op-
31 portunities related to career and technical education; and**

32 **(c) Review statutes and rules for necessary changes and to review and recommend alternative
33 methods to increase available funding options.**

34 ~~[(4)]~~ **(5) Developing and maintaining the website described in ORS 344.141.**

35 **SECTION 68.** ORS 348.295 is amended to read:

36 348.295. (1) In addition to any other form of student financial aid authorized by law, the Higher
37 Education Coordinating Commission may award scholarships to culturally and linguistically diverse
38 teacher candidates to use at approved educator preparation providers, as defined in ORS 342.120, for
39 the purpose of advancing the goal described in ORS 342.437 (1)(a).

40 (2) Scholarships awarded under this section shall be in amounts of \$12,000 each academic year,
41 for a maximum of two academic years.

42 (3) The commission shall adopt rules necessary for the implementation and administration of this
43 section in consultation with the Educator Advancement Council and the Department of Education.

44 (4) As used in this section:

45 (a) "Teacher candidate" means an individual who is preparing to be a teacher or other school

1 professional licensed, registered or certified by the [*Teacher Standards and Practices Commission*]
 2 **Department of Education.**

3 (b) “Teacher candidate” does not mean an individual who is preparing to be an administrator.

4 **SECTION 69.** ORS 419B.005, as amended by section 64, chapter 73, Oregon Laws 2024, is
 5 amended to read:

6 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

7 (1)(a) “Abuse” means:

8 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
 9 has been caused by other than accidental means, including any injury that appears to be at variance
 10 with the explanation given of the injury.

11 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
 12 statements made, or threatened to be made, to a child if the acts, statements or threats result in
 13 severe harm to the child’s psychological, cognitive, emotional or social well-being and functioning.

14 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
 15 tration and incest, as those acts are described in ORS chapter 163.

16 (D) Sexual abuse, as described in ORS chapter 163.

17 (E) Sexual exploitation, including but not limited to:

18 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
 19 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
 20 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
 21 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
 22 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
 23 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
 24 is designed to serve educational or other legitimate purposes; and

25 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
 26 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
 27 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

28 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
 29 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
 30 welfare of the child.

31 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
 32 to the child’s health or welfare.

33 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

34 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
 35 methamphetamines are being manufactured.

36 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
 37 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
 38 stantial risk of harm to the child’s health or safety.

39 (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303
 40 or 339.308.

41 (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

42 (b) “Abuse” does not include reasonable discipline unless the discipline results in one of the
 43 conditions described in paragraph (a) of this subsection.

44 (2) “Child” means an unmarried person who:

45 (a) Is under 18 years of age; or

- 1 (b) Is a child in care, as defined in ORS 418.257.
- 2 (3) “Higher education institution” means:
- 3 (a) A community college as defined in ORS 341.005;
- 4 (b) A public university listed in ORS 352.002;
- 5 (c) The Oregon Health and Science University; and
- 6 (d) A private institution of higher education located in Oregon.
- 7 (4)(a) “Investigation” means a detailed inquiry into or assessment of the safety of a child alleged
- 8 to have experienced abuse.
- 9 (b) “Investigation” does not include screening activities conducted upon the receipt of a report.
- 10 (5) “Law enforcement agency” means:
- 11 (a) A city or municipal police department.
- 12 (b) A county sheriff’s office.
- 13 (c) The Oregon State Police.
- 14 (d) A police department established by a university under ORS 352.121 or 353.125.
- 15 (e) A county juvenile department.
- 16 (6) “Public or private official” means:
- 17 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
- 18 including any intern or resident.
- 19 (b) Dentist.
- 20 (c) School employee, including an employee of a higher education institution.
- 21 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide
- 22 or employee of an in-home health service.
- 23 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
- 24 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
- 25 Authority, a local health department, a community mental health program, a community develop-
- 26 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
- 27 fined in ORS 418.205 or an alcohol and drug treatment program.
- 28 (f) Peace officer.
- 29 (g) Psychologist.
- 30 (h) Member of the clergy.
- 31 (i) Regulated social worker.
- 32 (j) Optometrist.
- 33 (k) Chiropractor.
- 34 (L) Certified provider of foster care, or an employee thereof.
- 35 (m) Attorney.
- 36 (n) Licensed professional counselor.
- 37 (o) Licensed marriage and family therapist.
- 38 (p) Firefighter or emergency medical services provider.
- 39 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 40 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 41 (s) Elected official of a branch of government of this state or a state agency, board, commission
- 42 or department of a branch of government of this state or of a city, county or other political subdi-
- 43 vision in this state.
- 44 (t) Physical, speech or occupational therapist.
- 45 (u) Audiologist.

- 1 (v) Speech-language pathologist.
- 2 [(w) *Employee of the Teacher Standards and Practices Commission directly involved in investi-*
- 3 *gations or discipline by the commission.*]
- 4 [(x)] (w) Pharmacist.
- 5 [(y)] (x) Operator of a preschool recorded program under ORS 329A.255.
- 6 [(z)] (y) Operator of a school-age recorded program under ORS 329A.255.
- 7 [(aa)] (z) Employee of a private agency or organization facilitating the provision of respite ser-
- 8 vices, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
- 9 under ORS 109.056.
- 10 [(bb)] (aa) Employee of a public or private organization providing child-related services or ac-
- 11 tivities:
- 12 (A) Including but not limited to an employee of a:
- 13 (i) Youth group or center;
- 14 (ii) Scout group or camp;
- 15 (iii) Summer or day camp;
- 16 (iv) Survival camp; or
- 17 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
- 18 ligious, public or private educational system or a community service organization; and
- 19 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
- 20 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
- 21 man trafficking.
- 22 [(cc)] (bb) Coach, assistant coach or trainer of an amateur, semiprofessional or professional
- 23 athlete, if compensated and if the athlete is a child.
- 24 [(dd)] (cc) Personal support worker, as defined in ORS 410.600.
- 25 [(ee)] (dd) Home care worker, as defined in ORS 410.600.
- 26 [(ff)] (ee) Animal control officer, as defined in ORS 609.500.
- 27 [(gg)] (ff) Member of a school district board, an education service district board or a public
- 28 charter school governing body.
- 29 [(hh)] (gg) Individual who is paid by a public body, in accordance with ORS 430.215, to provide
- 30 a service identified in an individualized service plan of a child with a developmental disability.
- 31 [(ii)] (hh) Referral agent, as defined in ORS 418.351.
- 32 [(jj)] (ii) Parole and probation officer, as defined in ORS 181A.355.
- 33 [(kk)] (jj) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
- 34 analysis interventionist registered by the Health Licensing Office under ORS 676.815.
- 35 **SECTION 70.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and
- 36 section 65, chapter 73, Oregon Laws 2024, is amended to read:
- 37 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:
- 38 (1)(a) "Abuse" means:
- 39 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
- 40 has been caused by other than accidental means, including any injury that appears to be at variance
- 41 with the explanation given of the injury.
- 42 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
- 43 statements made, or threatened to be made, to a child if the acts, statements or threats result in
- 44 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.
- 45 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-

1 tration and incest, as those acts are described in ORS chapter 163.

2 (D) Sexual abuse, as described in ORS chapter 163.

3 (E) Sexual exploitation, including but not limited to:

4 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
5 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
6 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
7 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
8 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
9 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
10 is designed to serve educational or other legitimate purposes; and

11 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
12 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
13 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

14 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
15 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
16 welfare of the child.

17 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
18 to the child's health or welfare.

19 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

20 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
21 methamphetamines are being manufactured.

22 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
23 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
24 stantial risk of harm to the child's health or safety.

25 (K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

26 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
27 conditions described in paragraph (a) of this subsection.

28 (2) "Child" means an unmarried person who:

29 (a) Is under 18 years of age; or

30 (b) Is a child in care, as defined in ORS 418.257.

31 (3) "Higher education institution" means:

32 (a) A community college as defined in ORS 341.005;

33 (b) A public university listed in ORS 352.002;

34 (c) The Oregon Health and Science University; and

35 (d) A private institution of higher education located in Oregon.

36 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
37 to have experienced abuse.

38 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

39 (5) "Law enforcement agency" means:

40 (a) A city or municipal police department.

41 (b) A county sheriff's office.

42 (c) The Oregon State Police.

43 (d) A police department established by a university under ORS 352.121 or 353.125.

44 (e) A county juvenile department.

45 (6) "Public or private official" means:

- 1 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
2 including any intern or resident.
- 3 (b) Dentist.
- 4 (c) School employee, including an employee of a higher education institution.
- 5 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
6 or employee of an in-home health service.
- 7 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
8 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
9 Authority, a local health department, a community mental health program, a community develop-
10 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
11 fined in ORS 418.205 or an alcohol and drug treatment program.
- 12 (f) Peace officer.
- 13 (g) Psychologist.
- 14 (h) Member of the clergy.
- 15 (i) Regulated social worker.
- 16 (j) Optometrist.
- 17 (k) Chiropractor.
- 18 (L) Certified provider of foster care, or an employee thereof.
- 19 (m) Attorney.
- 20 (n) Licensed professional counselor.
- 21 (o) Licensed marriage and family therapist.
- 22 (p) Firefighter or emergency medical services provider.
- 23 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 24 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 25 (s) Elected official of a branch of government of this state or a state agency, board, commission
26 or department of a branch of government of this state or of a city, county or other political subdi-
27 vision in this state.
- 28 (t) Physical, speech or occupational therapist.
- 29 (u) Audiologist.
- 30 (v) Speech-language pathologist.
- 31 *[(w) Employee of the Teacher Standards and Practices Commission directly involved in investi-*
32 *gations or discipline by the commission.]*
- 33 *[(x)]* **(w)** Pharmacist.
- 34 *[(y)]* **(x)** Operator of a preschool recorded program under ORS 329A.255.
- 35 *[(z)]* **(y)** Operator of a school-age recorded program under ORS 329A.255.
- 36 *[(aa)]* **(z)** Employee of a private agency or organization facilitating the provision of respite ser-
37 vices, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney
38 under ORS 109.056.
- 39 *[(bb)]* **(aa)** Employee of a public or private organization providing child-related services or ac-
40 tivities:
- 41 (A) Including but not limited to an employee of a:
- 42 (i) Youth group or center;
- 43 (ii) Scout group or camp;
- 44 (iii) Summer or day camp;
- 45 (iv) Survival camp; or

1 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
 2 ligious, public or private educational system or a community service organization; and

3 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
 4 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
 5 man trafficking.

6 [(cc)] (bb) Coach, assistant coach or trainer of an amateur, semiprofessional or professional
 7 athlete, if compensated and if the athlete is a child.

8 [(dd)] (cc) Personal support worker, as defined in ORS 410.600.

9 [(ee)] (dd) Home care worker, as defined in ORS 410.600.

10 [(ff)] (ee) Animal control officer, as defined in ORS 609.500.

11 [(gg)] (ff) Member of a school district board, an education service district board or a public
 12 charter school governing body.

13 [(hh)] (gg) Individual who is paid by a public body, in accordance with ORS 430.215, to provide
 14 a service identified in an individualized service plan of a child with a developmental disability.

15 [(ii)] (hh) Referral agent, as defined in ORS 418.351.

16 [(jj)] (ii) Parole and probation officer, as defined in ORS 181A.355.

17 [(kk)] (jj) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
 18 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

19 **SECTION 71.** ORS 419B.019 is amended to read:

20 419B.019. (1) As used in this section:

21 (a) “Agent” means a person who:

22 (A) Acts as an agent for an education provider in a manner that requires the person to have
 23 direct, unsupervised contact with children; and

24 (B) Interacts with a child because of the person’s status as an agent for an education provider.

25 (b) “Contractor” means a person who:

26 (A) Provides services to an education provider under a contract in a manner that requires the
 27 person to have direct, unsupervised contact with children; and

28 (B) Interacts with a child because of the person’s status as a contractor for an education pro-
 29 vider.

30 (c) “Education provider” has the meaning given that term in ORS 339.370.

31 (d) “School employee” means a person who:

32 (A) Is an employee of an education provider; and

33 (B) Interacts with a child because of the person’s status as an employee of an education pro-
 34 vider.

35 (e) “Volunteer” means a person who:

36 (A) Acts as a volunteer for an education provider in a manner that requires the person to have
 37 direct, unsupervised contact with children; and

38 (B) Interacts with a child because of the person’s status as a volunteer of an education provider.

39 (2) A law enforcement agency or the Department of Human Services must conduct an investi-
 40 gation as provided by ORS 419B.020 if the law enforcement agency or department receives a report
 41 of abuse that involves a child and a person who is a school employee, contractor, agent or volunteer.

42 (3) A law enforcement agency shall notify the department as provided by ORS 419B.015 if the
 43 law enforcement agency receives a report described in subsection (2) of this section. The department
 44 shall notify a law enforcement agency as provided by ORS 419B.015 if the department receives a
 45 report described in subsection (2) of this section. The department shall ensure that an investigation

1 related to the report is conducted if the report is not investigated by a law enforcement agency.

2 (4)(a) Within three business days of receiving a report or notification of a report described in
 3 subsection (2) of this section, the department shall notify:

4 (A) The appropriate education provider to ensure the safety of the child, if the department be-
 5 lieves the report of suspected abuse involves the child and a person who is a school employee,
 6 contractor, agent or volunteer;

7 (B) The [*Teacher Standards and Practices Commission*] **Department of Education**, if the De-
 8 partment **of Human Services** believes the school employee, contractor, agent or volunteer is li-
 9 censed, registered or certified by the [*commission*] **Department of Education**[:] or

10 [(C) *The Department of Education,*] if the Department of Human Services believes the report of
 11 suspected abuse:

12 (i) Occurred in a school or was related to a school-sponsored activity; or

13 (ii) Involves a child and a person who is a school employee, contractor, agent or volunteer and
 14 whose conduct may be subject to actions taken by the Department of Education under ORS 339.370
 15 to 339.400.

16 (b) For the purpose of notification made under this subsection, the Department of Human Ser-
 17 vices may not disclose the name and address of, and other identifying information about, the person
 18 who made the report, but the department shall make available any information necessary to ensure
 19 the safety of the child, including the name of the school and the name of the person who may have
 20 conducted the suspected abuse. Except as provided by ORS 339.389, any person or entity to whom
 21 notification is made under this subsection may not release any information not authorized by this
 22 subsection.

23 (c) When the Department of Education receives notification under this subsection, the depart-
 24 ment shall act under, and is subject to, ORS 339.389.

25 (5) The Department of Human Services shall submit a report on the first day of every calendar
 26 quarter to the committees or interim committees of the Legislative Assembly related to child wel-
 27 fare, for the purposes of public review and oversight of the quality and safety of education providers.
 28 Information provided in reports under this subsection may not contain the name of a child or any
 29 identifying information about a child. The reports must contain all of the following information
 30 about each investigation described in subsection (2) of this section that resulted in a finding, during
 31 the preceding quarter, that the report of abuse was substantiated:

32 (a) The name of the education provider where the department conducted the investigation;

33 (b) The approximate date that the abuse occurred;

34 (c) The nature of the abuse and a brief narrative description of the abuse that occurred; and

35 (d) Whether a reportable injury, sexual abuse or death resulted from the abuse.

36 (6) The department may adopt any rules necessary for the administration of this section.

37 **SECTION 72.** ORS 419B.035, as amended by section 68, chapter 73, Oregon Laws 2024, is
 38 amended to read:

39 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and
 40 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records
 41 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
 42 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-
 43 ment of Human Services shall make the records available to:

44 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of
 45 subsequent investigation of child abuse;

1 (b) Any physician, physician associate licensed under ORS 677.505 to 677.525 or nurse practi-
2 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician associate
3 or nurse practitioner, regarding any child brought to the physician, physician associate or nurse
4 practitioner or coming before the physician, physician associate or nurse practitioner for examina-
5 tion, care or treatment;

6 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-
7 ceeding;

8 (d) Citizen review boards established by the Judicial Department for the purpose of periodically
9 reviewing the status of children, youths and adjudicated youths under the jurisdiction of the juvenile
10 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to
11 participants in case reviews;

12 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged
13 that a child has been subjected to child abuse or neglect;

14 (f) The Department of Early Learning and Care for the purpose of carrying out the functions
15 of the department, including the certification, registration or regulation of child care facilities and
16 child care providers and the administration of enrollment in the Central Background Registry;

17 (g) The Office of Children's Advocate;

18 (h) The **Department of Education and the** Teacher Standards and Practices Commission for
19 investigations conducted under ORS 339.390 or 342.176 involving any child or any student **and any**
20 **related discipline**;

21 (i) Any person, upon request to the Department of Human Services, if the reports or records
22 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-
23 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be
24 disclosed in accordance with ORS 192.311 to 192.478;

25 (j) The Department of Early Learning and Care for purposes of applications described in ORS
26 329A.030 (11)(c)(G) to (J);

27 (k) With respect to a report of abuse occurring at a school or in an educational setting that
28 involves a child with a disability, Disability Rights Oregon;

29 (L) The Department of Education for purposes of investigations conducted under ORS 339.391;

30 (m) An education provider for the purpose of making determinations under ORS 339.388; and

31 (n) A national nonprofit organization designated by the Department of Human Services that
32 provides assistance with locating, recovering or providing services to children or youth determined
33 by the department to be missing.

34 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-
35 partment of Human Services may exempt from disclosure the names, addresses and other identifying
36 information about other children, witnesses, victims or other persons named in the report or record
37 if the department determines, in written findings, that the safety or well-being of a person named in
38 the report or record may be jeopardized by disclosure of the names, addresses or other identifying
39 information, and if that concern outweighs the public's interest in the disclosure of that information.

40 (b) If the Department of Human Services does not have a report or record of abuse regarding
41 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS
42 161.015, the department may disclose that information.

43 (3) The Department of Human Services may make reports and records compiled under the pro-
44 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,
45 agency, organization or other entity when the department determines that such disclosure is neces-

1 sary to administer its child welfare services and is in the best interests of the affected child, or that
2 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect
3 children from abuse and neglect or for research when the Director of Human Services gives prior
4 written approval. The Department of Human Services shall adopt rules setting forth the procedures
5 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this
6 section. The name, address and other identifying information about the person who made the report
7 may not be disclosed pursuant to this subsection and subsection (1) of this section.

8 (4) A law enforcement agency may make reports and records compiled under the provisions of
9 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-
10 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement
11 agency determines that disclosure is necessary for the investigation or enforcement of laws relating
12 to child abuse and neglect or necessary to determine a claim for crime victim compensation under
13 ORS 147.005 to 147.367.

14 (5)(a) A law enforcement agency, upon completing an investigation and closing the file in a
15 specific case relating to child abuse or neglect, shall make reports and records in the case available
16 upon request to:

17 (A) Any law enforcement agency or community corrections agency in this state, to the Depart-
18 ment of Corrections, to the Oregon Youth Authority or to the State Board of Parole and Post-Prison
19 Supervision for the purpose of managing and supervising offenders in custody or on probation,
20 parole, post-prison supervision or other form of conditional or supervised release; and

21 (B) The **Department of Education and the** Teacher Standards and Practices Commission for
22 investigations conducted under ORS 339.390 and 342.176 **and any related discipline.**

23 (b) A law enforcement agency may make reports and records compiled under the provisions of
24 ORS 419B.010 to 419B.050 available to the Oregon Youth Authority, **the Department of Education**
25 **and** the Teacher Standards and Practices Commission for investigations conducted under ORS
26 339.390 and 342.176, law enforcement, community corrections, corrections or parole agencies in an
27 open case when the law enforcement agency determines that the disclosure will not interfere with
28 an ongoing investigation in the case.

29 (c) The name, address and other identifying information about the person who made the report
30 may not be disclosed under this subsection or subsection (6)(b) of this section.

31 (6)(a) Any record made available to a law enforcement agency or community corrections agency
32 in this state, to the Department of Corrections, the Oregon Youth Authority, the State Board of
33 Parole and Post-Prison Supervision, **the Department of Education** or the Teacher Standards and
34 Practices Commission or to a physician, physician associate or nurse practitioner in this state, as
35 authorized by subsections (1) to (5) of this section, shall be kept confidential by the agency, depart-
36 ment, board, commission, physician, physician associate or nurse practitioner. Any record or report
37 disclosed by the Department of Human Services to other persons or entities pursuant to subsections
38 (1) and (3) of this section shall be kept confidential.

39 (b) Notwithstanding paragraph (a) of this subsection:

40 (A) A law enforcement agency, a community corrections agency, the Department of Corrections,
41 the Oregon Youth Authority and the State Board of Parole and Post-Prison Supervision may disclose
42 records made available to them under subsection (5) of this section to each other, to law enforce-
43 ment, community corrections, corrections and parole agencies of other states and to authorized
44 treatment providers for the purpose of managing and supervising offenders in custody or on pro-
45 bation, parole, post-prison supervision or other form of conditional or supervised release.

1 (B) The Department of Corrections and the Oregon Youth Authority may disclose records made
2 available to them under subsection (5) of this section regarding a person in the custody of the De-
3 partment of Corrections or the Oregon Youth Authority to each other, to the court, to the district
4 attorney and to the person's attorney for the purpose of the person's hearing under ORS 420A.200
5 to 420A.206.

6 (C) A person may disclose records made available to the person under subsection (1)(i) of this
7 section if the records are disclosed for the purpose of advancing the public interest.

8 (7) Except as provided by ORS 339.389, an officer or employee of the Department of Human
9 Services or of a law enforcement agency or any person or entity to whom disclosure is made pur-
10 suant to subsections (1) to (6) of this section may not release any information not authorized by
11 subsections (1) to (6) of this section.

12 (8) A record of sexual orientation, gender identity or gender expression, as defined in ORS
13 409.225, is exempt from disclosure under subsection (1) of this section unless:

14 (a) The department determines, in written findings, that failure to disclose the record is rea-
15 sonably likely to jeopardize the child's safety or well-being;

16 (b) The department determines, in written findings, that disclosure of the record is necessary to
17 provide services to the child or the child's family; or

18 (c) The child consents to the disclosure.

19 (9) As used in this section, "law enforcement agency" has the meaning given that term in ORS
20 181A.010.

21 (10) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

22 **SECTION 73.** ORS 675.520 is amended to read:

23 675.520. (1) A person may not use any title, words or abbreviations, including the title "social
24 worker," that indicate that the person has an authorization to practice regulated social work unless
25 the person is a regulated social worker.

26 (2) Subsection (1) of this section does not prohibit:

27 (a) The use of the educational designations "Bachelor of Social Work" or "Master's of Social
28 Work" by a person who is not a regulated social worker; or

29 (b) The use of the title "school social worker" by a person who:

30 (A) Is not a regulated social worker;

31 (B) Holds a master's degree in social work from an accredited college or university; and

32 (C) Is licensed as a school social worker by the [*Teacher Standards and Practices Commission*]

33 **Department of Education.**

34 **SECTION 74.** ORS 676.866 is amended to read:

35 676.866. (1) As used in this section:

36 (a) "Board" means:

37 (A) The Oregon Board of Psychology;

38 (B) The Oregon Board of Licensed Professional Counselors and Therapists;

39 (C) The State Board of Licensed Social Workers;

40 [(D) *The Teacher Standards and Practices Commission; and*]

41 **(D) The Department of Education; and**

42 (E) The Traditional Health Workers Commission.

43 (b) "Licensee" means:

44 (A) A clinical social worker, as defined in ORS 675.510;

45 (B) A regulated social worker, as defined in ORS 675.510;

1 (C) A licensed marriage and family therapist, as defined in ORS 675.705;

2 (D) A licensed psychologist, as defined in ORS 675.010;

3 (E) A licensed professional counselor, as defined in ORS 675.705;

4 (F) A school counselor, as defined by rule by the Teacher Standards and Practices Commission;

5 and

6 (G) The following professionals regulated by the Oregon Health Authority by rules adopted
7 pursuant to subsection (9) of this section or employed in a program operated or overseen by the
8 authority:

9 (i) A qualified mental health associate;

10 (ii) A qualified mental health professional;

11 (iii) A certified alcohol and drug counselor;

12 (iv) A prevention specialist;

13 (v) A problem gambling treatment provider;

14 (vi) A recovery mentor;

15 (vii) A community health worker;

16 (viii) A personal health navigator;

17 (ix) A personal support specialist;

18 (x) A peer wellness specialist;

19 (xi) A doula;

20 (xii) A family support specialist;

21 (xiii) A youth support specialist; and

22 (xiv) A peer support specialist.

23 (2)(a) The authority and a board shall require a licensee regulated by the authority or the board
24 to complete two hours every two years or three hours every three years of continuing education
25 related to suicide risk assessment, treatment and management and report to the authority or the
26 board the licensee's completion of the continuing education described in this subsection. The au-
27 thority and the board shall ensure that the timelines for completion of the continuing education
28 align with the licensee's professional authorization issuance and renewal timelines.

29 (b) The authority and a board shall approve continuing education opportunities that are appli-
30 cable and relevant to the licensees regulated by the authority or the board. A board may encourage
31 a licensee regulated by the board to complete continuing education opportunities recommended by
32 the authority.

33 (3) A licensee shall report the completion of the continuing education described in subsection
34 (2) of this section to the board that regulates the licensee or to the authority if the licensee is a
35 professional listed in subsection (1)(b)(G) of this section.

36 (4)(a) The authority and a board shall document completion of the continuing education de-
37 scribed in subsection (2) of this section by a licensee regulated by the authority or a board.

38 (b) In consultation with the authority, a board shall adopt rules requiring licensees to submit
39 documentation of completion to the board.

40 (c) The authority shall adopt rules requiring licensees regulated by the authority to submit
41 documentation of completion to the authority.

42 (5) The authority and a board may adopt rules to:

43 (a) Identify the experience and training that a licensee regulated by the authority or the board
44 must have in order to be exempt from the requirements of subsection (2) of this section.

45 (b) Allow the concurrent completion of continuing education described in subsection (2) of this

1 section with continuing education opportunities related to professional ethics or cultural compe-
 2 tency if the opportunities also provide the continuing education described in subsection (2) of this
 3 section.

4 (6) A board, on or before March 1 of each odd-numbered year, shall report to the authority on
 5 the information described in subsection (4) of this section, as well as information about the imple-
 6 mentation of the continuing education described in subsection (2) of this section.

7 (7) The authority, on or before August 1 of each odd-numbered year, shall report to the interim
 8 committees of the Legislative Assembly related to health care on the information submitted to the
 9 authority under subsection (6) of this section and information collected by the authority under sub-
 10 section (4) of this section. The authority shall remove any personally identifiable information col-
 11 lected by or submitted to the authority under subsection (4) or (6) of this section.

12 (8) The authority may use the information collected by the authority under subsection (4) of this
 13 section in conjunction with the information described in ORS 676.860 to facilitate improvements in
 14 suicide risk assessment, treatment and management efforts in this state.

15 (9)(a) The authority and a board may adopt rules to carry out this section.

16 (b) The authority may adopt rules to define and regulate the professions listed in subsection
 17 (1)(b)(G) of this section.

18 **SECTION 75.** ORS 681.230 is amended to read:

19 681.230. (1) Without obtaining a license under this chapter, a person may use a procedure in-
 20 cluded in the practice of speech-language pathology or audiology if the procedure is within the
 21 person's scope of practice and the person is:

22 (a) Licensed by a health professional regulatory board as defined in ORS 676.160;

23 (b) Performing basic audiometric testing under the supervision of a physician licensed under
 24 ORS chapter 677 or a naturopathic physician licensed under ORS chapter 685 and representing that
 25 the person is a medical assistant or audiology assistant;

26 (c) A teacher who is licensed by the [*Teacher Standards and Practices Commission*] **Department**
 27 **of Education** and who holds a hearing impaired endorsement issued by the [*commission*] **depart-**
 28 **ment**;

29 (d) A student participating in supervised field work or supervised course work in speech-
 30 language pathology or audiology as part of a college or university program approved by the State
 31 Board of Examiners for Speech-Language Pathology and Audiology; or

32 (e) A student taking an undergraduate course in speech-language pathology approved by the
 33 board.

34 (2) A person practicing speech-language pathology or audiology without a license under sub-
 35 section (1) of this section may not represent or imply that the person is a speech-language
 36 pathologist, speech-language pathology assistant or audiologist.

37 (3) A person practicing speech-language pathology or audiology without a license under sub-
 38 section (1)(d) or (e) of this section:

39 (a) Must use a title that indicates that the person is a student trainee.

40 (b) May not be paid for speech-language pathology or audiology services provided by the person,
 41 except that the person may be provided a reasonable educational stipend.

42 (4) Without obtaining a license under this chapter, a person may:

43 (a) Consult with or disseminate the person's research findings and scientific information to an
 44 accredited academic institution or a governmental agency; and

45 (b) Offer lectures to the public for a fee, monetary or otherwise.

1 **SECTION 76.** ORS 681.360 is amended to read:

2 681.360. (1) A person may not perform the duties of a speech-language pathology assistant or
3 use the title speech-language pathology assistant without a certificate to do so issued under this
4 section.

5 (2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a
6 person shall:

7 (a) Submit an application in the form prescribed by the State Board of Examiners for Speech-
8 Language Pathology and Audiology;

9 (b) Pay the certificate fee established by the board;

10 (c) Demonstrate that the person meets the qualifications for certification established by the
11 board; and

12 (d) Comply with all other requirements for certification established by the board.

13 (3) A certificate issued under this section expires every two years. To renew a certificate to
14 perform the duties of a speech-language pathology assistant, a person shall:

15 (a) Submit the renewal application in the form prescribed by the board;

16 (b) Pay the renewal fee established by the board; and

17 (c) Comply with all other requirements for certificate renewal established by the board, includ-
18 ing but not limited to submission of evidence of participation in professional development activities.

19 (4) A person may not employ or otherwise use the services of a speech-language pathology as-
20 sistant unless the speech-language pathology assistant is certified under this section.

21 (5) The board may establish by rule qualifications and conditions under which a person not li-
22 censed under this chapter who holds a preliminary teaching license or professional teaching license
23 in speech impaired or a preliminary teaching license, professional teaching license or distinguished
24 teacher leader license in communication disorders issued by the [*Teacher Standards and Practices*
25 *Commission*] **Department of Education** may supervise a speech-language pathology assistant
26 working in a school.

27 (6) The board may refuse to issue a certificate, or may suspend or revoke the certificate, of any
28 certified speech-language pathology assistant pursuant to the provisions of ORS 681.350.

29 **SECTION 77. ORS 342.410 and 344.062 are repealed.**

30 **SECTION 78.** (1) **Section 1 of this 2025 Act and the amendments to ORS 181A.180, 326.726,**
31 **329.496, 329.603, 329.788, 336.635, 336.680, 338.120, 338.135, 339.250, 339.370, 339.372, 339.374,**
32 **339.378, 339.388, 339.389, 339.390, 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125,**
33 **342.127, 342.130, 342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173,**
34 **342.175, 342.176, 342.177, 342.183, 342.192, 342.195, 342.200, 342.202, 342.203, 342.223, 342.350,**
35 **342.390, 342.420, 342.425, 342.430, 342.443, 342.455, 342.465, 342.475, 342.485, 342.553, 342.621,**
36 **342.856, 342.940, 342.971, 343.328, 344.059, 348.295, 419B.005, 419B.019, 419B.035, 675.520, 676.866,**
37 **681.230 and 681.360 and section 4, chapter 756, Oregon Laws 2015, and section 9a, chapter 518,**
38 **Oregon Laws 2021, by sections 2 to 76 of this 2025 Act and the repeal of ORS 342.410 and**
39 **344.062 by section 77 of this 2025 Act become operative on July 1, 2026.**

40 (2) **Notwithstanding the operative date set forth in subsection (1) of this section, the**
41 **Teacher Standards and Practices Commission, the State Board of Education, the Department**
42 **of Education and the Educator Advancement Council may take any action before the opera-**
43 **tive date set forth in subsection (1) of this section that is necessary for the Department of**
44 **Education to exercise, on and after the operative date set forth in subsection (1) of this**
45 **section, all of the duties, functions and powers conferred on the department by section 1 of**

1 this 2025 Act and the amendments to ORS 181A.180, 326.726, 329.496, 329.603, 329.788, 336.635,
2 336.680, 338.120, 338.135, 339.250, 339.370, 339.372, 339.374, 339.378, 339.388, 339.389, 339.390,
3 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130, 342.136, 342.137,
4 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173, 342.175, 342.176, 342.177, 342.183,
5 342.192, 342.195, 342.200, 342.202, 342.203, 342.223, 342.350, 342.390, 342.420, 342.425, 342.430,
6 342.443, 342.455, 342.465, 342.475, 342.485, 342.553, 342.621, 342.856, 342.940, 342.971, 343.328,
7 344.059, 348.295, 419B.005, 419B.019, 419B.035, 675.520, 676.866, 681.230 and 681.360 and section
8 4, chapter 756, Oregon Laws 2015, and section 9a, chapter 518, Oregon Laws 2021, by sections
9 2 to 76 of this 2025 Act and the repeal of ORS 342.410 and 344.062 by section 77 of this 2025
10 Act.

11 (3) No later than September 15, 2025, the Teacher Standards and Practices Commission,
12 the State Board of Education, the Department of Education and the Educator Advancement
13 Council shall submit a report concerning the progress of the transfer of duties, functions and
14 powers to the interim committees of the Legislative Assembly related to education.

15 **SECTION 79.** (1) The executive director of the Teacher Standards and Practices Com-
16 mission shall:

17 (a) Deliver to the Department of Education all records and property within the jurisdic-
18 tion of the executive director that relate to the duties, functions and powers transferred by
19 section 1 of this 2025 Act; and

20 (b) Transfer to the Department of Education those employees engaged primarily in the
21 exercise of the duties, functions and powers transferred by section 1 of this 2025 Act.

22 (2) The Superintendent of Public Instruction shall take possession of the records and
23 property, and shall take charge of the employees and employ them in the exercise of the
24 duties, functions and powers transferred by section 1 of this 2025 Act, without reduction of
25 compensation but subject to change or termination of employment or compensation as pro-
26 vided by law.

27 (3) The Governor shall resolve any dispute between the Teacher Standards and Practices
28 Commission and the Department of Education relating to transfers of records, property and
29 employees under this section, and the Governor's decision is final.

30 **SECTION 80.** (1) The unexpended balances of amounts authorized to be expended by the
31 Teacher Standards and Practices Commission for the biennium beginning July 1, 2023, from
32 revenues dedicated, continuously appropriated, appropriated or otherwise made available for
33 the purpose of administering and enforcing the duties, functions and powers transferred by
34 section 1 of this 2025 Act are transferred to and are available for expenditure by the De-
35 partment of Education for the biennium beginning July 1, 2025, for the purpose of adminis-
36 tering and enforcing the duties, functions and powers transferred by section 1 of this 2025
37 Act.

38 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
39 expenditures by the Teacher Standards and Practices Commission remain applicable to
40 expenditures by the Department of Education under this section.

41 **SECTION 81.** The transfer of duties, functions and powers to the Department of Educa-
42 tion by section 1 of this 2025 Act does not affect any action, proceeding or prosecution in-
43 volving or with respect to the duties, functions and powers begun before and pending at the
44 time of the transfer, except that the Department of Education is substituted for the Teacher
45 Standards and Practices Commission in the action, proceeding or prosecution.

1 **SECTION 82.** (1) Nothing in the amendments to ORS 181A.180, 326.726, 329.496, 329.603,
 2 329.788, 336.635, 336.680, 338.120, 338.135, 339.250, 339.370, 339.372, 339.374, 339.378, 339.388,
 3 339.389, 339.390, 339.391, 341.535, 342.120, 342.121, 342.122, 342.123, 342.125, 342.127, 342.130,
 4 342.136, 342.137, 342.138, 342.143, 342.144, 342.147, 342.153, 342.165, 342.173, 342.175, 342.176,
 5 342.177, 342.183, 342.192, 342.195, 342.200, 342.202, 342.203, 342.223, 342.350, 342.390, 342.420,
 6 342.425, 342.430, 342.443, 342.455, 342.465, 342.475, 342.485, 342.553, 342.621, 342.856, 342.940,
 7 342.971, 343.328, 344.059, 348.295, 419B.005, 419B.019, 419B.035, 675.520, 676.866, 681.230 and
 8 681.360 and section 4, chapter 756, Oregon Laws 2015, and section 9a, chapter 518, Oregon
 9 Laws 2021, by sections 2 to 76 of this 2025 Act or the repeal of ORS 342.410 and 344.062 by
 10 section 77 of this 2025 Act relieves a person of a liability, duty or obligation accruing under
 11 or with respect to the duties, functions and powers transferred by section 1 of this 2025 Act.
 12 The Department of Education may undertake the collection or enforcement of any such li-
 13 ability, duty or obligation.

14 (2)(a) The rights and obligations of the Teacher Standards and Practices Commission le-
 15 gally incurred under contracts, leases and business transactions executed, entered into or
 16 begun before the operative date of section 1 of this 2025 Act accruing under or with respect
 17 to the duties, functions and powers transferred by section 1 of this 2025 Act are transferred
 18 to the Department of Education. For the purpose of succession to these rights and obli-
 19 gations, the Department of Education is a continuation of the Teacher Standards and Prac-
 20 tices Commission and not a new authority.

21 (b) The rights and obligations of the Educator Advancement Council legally incurred
 22 under contracts, leases and business transactions executed, entered into or begun before the
 23 operative date of the amendments to ORS 342.940 by section 64 of this 2025 Act accruing
 24 under or with respect to the duties, functions and powers transferred by the amendments
 25 to ORS 342.940 by section 64 of this 2025 Act are transferred to the Department of Education.
 26 For the purpose of succession to these rights and obligations, the Department of Education
 27 is a continuation of the Educator Advancement Council and not a new authority.

28 **SECTION 83.** (1) Notwithstanding the transfer of duties, functions and powers by section
 29 1 of this 2025 Act, the rules of the Teacher Standards and Practices Commission with respect
 30 to such duties, functions or powers that are in effect on the operative date of section 1 of
 31 this 2025 Act continue in effect until superseded or repealed by rules of the State Board of
 32 Education. References in the rules of the Teacher Standards and Practices Commission to
 33 the Teacher Standards and Practices Commission or an officer or employee of the Teacher
 34 Standards and Practices Commission are considered to be references to the Department of
 35 Education or an officer or employee of the Department of Education.

36 (2) Notwithstanding the transfer of duties, functions and powers by the amendments to
 37 ORS 342.940 by section 64 of this 2025 Act, the rules of the Educator Advancement Council
 38 with respect to such duties, functions or powers that are in effect on the operative date of
 39 the amendments to ORS 342.940 by section 64 of this 2025 Act continue in effect until su-
 40 perseded or repealed by rules of the State Board of Education. References in the rules of the
 41 Educator Advancement Council to the Educator Advancement Council or an officer or em-
 42 ployee of the Educator Advancement Council are considered to be references to the Depart-
 43 ment of Education or an officer or employee of the Department of Education.

44 **SECTION 84.** (1) Whenever, in any uncodified law or resolution of the Legislative As-
 45 sembly or in any rule, document, record or proceeding authorized by the Legislative Assem-

1 bly, in the context of the duties, functions and powers transferred by section 1 of this 2025
2 Act, reference is made to the Teacher Standards and Practices Commission, or an officer
3 or employee of the Teacher Standards and Practices Commission, whose duties, functions
4 or powers are transferred by section 1 of this 2025 Act, the reference is considered to be a
5 reference to the Department of Education or an officer or employee of the Department of
6 Education who by this 2025 Act is charged with carrying out the duties, functions and pow-
7 ers.

8 (2) Whenever, in any uncodified law or resolution of the Legislative Assembly or in any
9 rule, document, record or proceeding authorized by the Legislative Assembly, in the context
10 of the duties, functions and powers transferred by the amendments to ORS 342.940 by section
11 64 of this 2025 Act, reference is made to the Educator Advancement Council, or an officer
12 or employee of the Educator Advancement Council, whose duties, functions or powers are
13 transferred by the amendments to ORS 342.940 by section 64 of this 2025 Act, the reference
14 is considered to be a reference to the Department of Education or an officer or employee of
15 the Department of Education who by this 2025 Act is charged with carrying out the duties,
16 functions and powers.

17 SECTION 85. This 2025 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
19 on its passage.

20
