

# Enrolled House Bill 2412

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Teacher Standards and Practices Commission)

CHAPTER .....

AN ACT

Relating to educators; creating new provisions; amending ORS 327.008, 327.495, 329.840, 332.075, 332.155, 332.505, 334.225, 336.631, 338.115, 338.135, 342.120, 342.121, 342.127, 342.135, 342.138, 342.143, 342.144, 342.147, 342.165, 342.173, 342.175, 342.176, 342.177, 342.180, 342.192, 342.195, 342.200, 342.203, 342.208, 342.223, 342.360, 342.390, 342.443, 342.447, 342.950, 342.971, 351.115 and 681.375 and section 1, chapter 98, Oregon Laws 2014; and repealing ORS 342.140, 342.156, 342.167, 342.190, 342.197, 342.227 and 342.232.

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

**SECTION 1.** ORS 342.120 is amended to read:

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

(1) "Administrator" includes but is not limited to all superintendents, assistant superintendents, [and] principals **and academic program directors** in [the] public schools or education service districts **who have direct responsibility for supervision or evaluation of licensed teachers and who are compensated for their services from public funds.**

(2) "Administrative license" means a license issued under ORS 342.125 (2)(c) or (3)(f) or (g).

(3) "Approved educator preparation program" means a licensure program that is offered by an approved educator preparation provider and meets the standards of the Teacher Standards and Practices Commission.

(4) "Approved educator preparation provider" means an entity that meets the standards of the Teacher Standards and Practices Commission for preparation of licensed educators for preprimary programs through grade 12.

[ (2) "Approved teacher education institution" is one which meets the standards of the Teacher Standards and Practices Commission for preparation of teachers for preprimary programs and grades 1 through 12.]

[ (3) "Approved teacher education program" is one offered by an approved teacher education institution and is so recognized by the Teacher Standards and Practices Commission, after considering recommendations of the State Board of Education.]

[ (4) "Commission" means the Teacher Standards and Practices Commission.]

[ (5) "Educational assistant" means a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with rules established by the State Board of Education.]

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

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

[(7)] "*Intern teacher*" means a regularly enrolled student of an approved teacher education institution who teaches under the supervision of the staff of the institution and of the employing school district in order to acquire practical experience in teaching and for which the student receives both academic credit from the institution and financial compensation from the school district or education service district.]

[(8)] "*State board*" means the State Board of Education.]

[(9)] (7) "Teacher" includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction[,] **or** coordination of educational programs [*or supervision or evaluation of teachers*] and who are compensated for their services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455 **or an instructional assistant.**

[(10)] (8) "Teaching license" means a license issued under ORS 342.125 or 342.144.

[(11)] (9) "Underrepresented person" means:

- (a) A person having origins in any of the black racial groups of Africa, but who is not Hispanic;
- (b) A person of Hispanic culture or origin;
- (c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or
- (d) An American Indian or Alaskan Native having origins in any of the original peoples of North America.

**SECTION 2.** ORS 342.121 is amended to read:

342.121. (1) The Teacher Standards and Practices Commission shall issue licenses to teachers and administrators who possess the minimum competencies, knowledge and skills to teach and administer in the public schools of [*the*] **this** state.

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

[(b)] *In addition to holding an administrative license as a superintendent, a person who is a superintendent of an education service district shall obtain certification, indicating a higher degree of competency, knowledge and skill based on work experience and advanced study, from the commission. The certificate shall be designed to ensure that the superintendent has knowledge of theories related to change, strategic planning and financial planning and is capable of formulating interorganizational cooperation and developing partnerships. The certificate described in this paragraph is required for a person to be a superintendent of an education service district of this state.*

**SECTION 3.** ORS 342.127 is amended to read:

342.127. (1) The Teacher Standards and Practices Commission shall establish and [*the commission shall*] collect:

- (a) A fee not to exceed \$100 for evaluation of the initial application for each teaching license for which application is made. If the applicant is eligible for the teaching license for which application is made and the license is issued within 90 days of original application, the commission shall issue the license without additional charge.

(b) A fee not to exceed \$100 for the renewal of each teaching license and a fee not to exceed \$20 for each duplicate teaching license.

(c) A fee not to exceed \$800 for a beginning teacher assessment conducted in lieu of an approved preparation program required for licensure.

(d) A fee not to exceed \$200 for alternative assessment conducted in lieu of a passing score on a licensure examination established by the commission.

(e) A fee not to exceed \$75 for registration as a public charter school teacher or administrator that includes any fee charged pursuant to rules adopted under ORS 181.534.

(f) A fee not to exceed \$75 for renewal of a registration as a public charter school teacher or administrator that includes any fee charged pursuant to rules adopted under ORS 181.534.

(2) In addition to the fee required by subsection (1) of this section for the issuance of a teaching license, the [*Teacher Standards and Practices*] commission shall collect a fee not to exceed \$150 for the evaluation of an applicant requesting licensing based upon completion of **an educator preparation program** other than an Oregon approved [*teacher education*] **educator preparation** program.

(3) In addition to the fees required by subsection (1) of this section, the [*Teacher Standards and Practices*] commission shall collect a late application fee not to exceed \$25 per month up to a maximum of \$125 from an applicant who fails to make timely application for renewal of the license or registration. The actual amount of the fee shall be determined in accordance with rules of the [*Teacher Standards and Practices*] commission.

(4) In spite of the expiration date posted on the license, the license shall continue to be valid for purposes of ORS 342.173 for an additional 120 days. However, the district may require a statement from the applicant indicating that the applicant has completed the requirements for license renewal.

(5) In addition to the fee required by subsection (1) of this section for the issuance of a teaching license, the commission shall collect a fee not to exceed \$150 for the reinstatement of a license that has been revoked by the commission for gross neglect of duty or gross unfitness under ORS 342.175.

(6) In addition to the fee required by subsection (1) of this section for the issuance of a teaching license, the commission shall collect a fee not to exceed \$100 for the issuance of any emergency license through an expedited process at the request of any school district or education service district that seeks to employ the applicant.

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

**SECTION 4.** ORS 342.135 is amended to read:

342.135. (1) A teaching license provided for in this section shall qualify its holder to accept any instructional assignment from preprimary through grade 12 for which the holder has completed the professional requirements established by the rules of the Teacher Standards and Practices Commission.

(2)(a) A basic teaching license shall be issued on application to an otherwise qualified person who has completed an approved [*teacher education*] **educator preparation** program and meets the other requirements that the Teacher Standards and Practices Commission may consider necessary to maintain and improve quality of instruction in the public schools of the state.

(b) Holders of the basic teaching license who meet the requirements of the Teacher Standards and Practices Commission to teach in the regular classroom program of the public schools in kindergarten through grade nine may renew the basic license to qualify [*them*] **the licensees** to continue in such teaching by verification of successful teaching experience and of continuing professional development in keeping with Teacher Standards and Practices Commission rules.

(c) A holder of the basic teaching license with an endorsement in art, educational media, foreign language, health, home economics, industrial arts, music, physical education and reading may renew the initial basic license by verification of successful teaching experience and of continuing professional development in keeping with Teacher Standards and Practices Commission rules. This paragraph applies to licenses for preprimary programs and grades 1 through 8 and shall include grade 9 if the teacher is teaching in a middle school or a junior high.

(d) Secondary teachers may teach in the public schools, grades 5 through 12, in those subject fields in which *[they]* **the teachers** have met the requirements of the Teacher Standards and Practices Commission.

(e) A holder of a standard teaching license who meets the requirements of the Teacher Standards and Practices Commission to teach in the regular classroom program of the public schools in kindergarten through grade 12 is eligible to renew the standard license to qualify to continue in such teaching by verification of successful teaching experience and of continuing professional development consistent with rules of the Teacher Standards and Practices Commission.

(3)(a) A standard teaching license shall be issued on application to an otherwise qualified person who has completed an approved *[teacher education]* **educator preparation** program, has taught on a basic teaching license for a minimum period of time to be determined by the Teacher Standards and Practices Commission, and is recommended for licensing by the approved *[teacher education institution]* **educator preparation provider** or the school district, whichever offered the program.

(b) Preparation shall be a planned education program consisting of courses taken *[in an approved teacher education institution or in]* **through an approved educator preparation provider or through** an in-service training program offered by a school district for which credit is given by an approved *[teacher education institution]* **educator preparation provider** or some combination of both, in accordance with rules of the Teacher Standards and Practices Commission.

(4) Notwithstanding subsection (2) of this section, the Teacher Standards and Practices Commission shall by rule adopt dates by which continuing professional development is required for renewal of a basic or standard teaching license.

**SECTION 5.** ORS 342.138 is amended to read:

342.138. (1) A professional teaching license, a continuing personnel service license or a continuing administrative license shall qualify the holder to accept any assignments for preprimary through grade 12 for which the holder has completed the advanced requirements established by the rules of the Teacher Standards and Practices Commission.

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

- (a) Completed an advanced professional education program approved by the commission;
- (b) Been employed for a minimum period of time to be determined by the commission in:

(A) An Oregon public school;

(B) An Oregon private school that meets the standards adopted by the commission by rule; or

(C) Another educational setting approved by the commission; and

(c) Demonstrated minimum competencies, knowledge and skills required for the professional teaching license, continuing personnel service license or continuing administrative license through an approved *[teacher education institution]* **educator preparation provider**, school district, professional organization *[identified]* **described** in ORS 342.121, or professional assessment approved by the commission.

(3) The holder of a professional teaching license, continuing personnel service license or continuing administrative license may renew the license in accordance with the rules of the commission.

(4) A professional teaching license shall indicate that the holder has taught for more than three and one-half years and is ready to take on advanced roles and responsibilities as a teacher, including mentoring, curriculum development support, teacher preparation support and other educational leadership.

**SECTION 6.** ORS 342.143 is amended to read:

342.143. (1) *[No]* **A** teaching, personnel service or administrative license, **or public charter school registration**, may **not** be issued to any person until the person has attained the age of 18 years and has furnished satisfactory evidence of proper educational training.

(2) The Teacher Standards and Practices Commission may require an applicant for a teaching, personnel service or administrative license or for registration as a public charter school teacher or

administrator to furnish evidence satisfactory to the commission of good moral character, mental and physical health, and such other evidence as [it] **the commission** may deem necessary to establish the applicant's fitness to serve as a teacher or administrator.

(3) Without limiting the powers of the Teacher Standards and Practices Commission under subsection (2) of this section:

(a) [No] **A** teaching, personnel service or administrative license, or **a public charter school** registration, [as a public charter school teacher or administrator] may **not** be issued to any person who:

(A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433, 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808, 475.810, 475.812, 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.858, 475.860, 475.862, 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

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

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

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

(b) The Teacher Standards and Practices Commission may refuse to issue a license or registration to any person who has been convicted of a crime involving the illegal use, sale or possession of controlled substances.

(4) In denying the issuance of a license or registration under this section, the commission shall follow the procedure set forth in ORS 342.176 and 342.177.

[*(5) The Department of Education shall provide school districts and public charter schools a copy of the list contained in subsection (3) of this section.*]

**SECTION 7.** ORS 342.144 is amended to read:

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

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

(3) The Teacher Standards and Practices Commission shall establish an American Indian languages teaching license.

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

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

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

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

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

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

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

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

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

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

(b) The holder of an American Indian languages teaching license who does not also have an administrative license, teaching license or registration issued under ORS 342.125 and who is employed by a school district, public charter school or education service district shall participate in a technical assistance program with a person holding a teaching license issued by the commission under ORS 342.125. The technical assistance program shall meet the guidelines specified in ORS 329.815 (2) to (4).

(9) An American Indian languages teaching license shall be valid for three years and may be renewed upon application from the holder of the license.

**SECTION 8.** ORS 342.147 is amended to read:

342.147. (1)(a) *[After considering recommendations of the State Board of Education,]* The Teacher Standards and Practices Commission shall establish by rule standards for approval of *[teacher education institutions and teacher education programs]* **educator preparation providers and educator preparation programs.** *[Public teacher education institutions shall be approved for programs of more than four years' duration only if teacher education programs which are reasonably attainable in a four-year period are also available in the system of higher education and are designed to culminate in a baccalaureate degree that qualifies its graduates for entry-level teaching licenses.]*

(b) **Standards for approval of an educator preparation program for early childhood education, elementary education, special education or reading must require that the program provide instruction on dyslexia and that the instruction be consistent with the knowledge and practice standards of an international organization on dyslexia.**

(2) The **Teacher Standards and Practices** Commission shall establish rules that allow *[teacher education]* **educator preparation** programs leading to graduate degrees to commence prior to the *[student's]* **candidate's** completion of baccalaureate degree requirements and that allow the combined use of undergraduate and graduate level course work in achieving program completion.

(3) Whenever any *[teacher education institution or program]* **educator preparation provider or educator preparation program** is denied approved status or has such status withdrawn, *[such]* **the** denial or withdrawal must be treated as a contested case *[within the meaning of]* **under** ORS chapter 183.

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

**SECTION 8a.** (1) **The Teacher Standards and Practices Commission shall adopt the standards required by ORS 342.147 (1)(a), as amended by section 8 of this 2015 Act, in a timely**

manner to ensure that an educator preparation program in early childhood education, elementary education, special education or reading is able to demonstrate compliance with the standards no later than December 31, 2016.

(2) The Teacher Standards and Practices Commission shall report to the interim legislative committees on education on the adoption of the standards required by ORS 342.147 (1)(a), as amended by section 8 of this 2015 Act, no later than October 1, 2016.

**SECTION 9.** ORS 342.165 is amended to read:

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

(2) In establishing rules the commission shall consider:

(a) Its responsibilities to represent the public interest in the development of educational policies;

(b) The capabilities of Oregon [*teacher education institutions*] **educator preparation providers** to prepare [*teachers*] **educators**;

(c) The norms required for the [*teaching*] **educator** assignments;

(d) The improvement of teaching **and student learning**;

(e) The adequacy of the [*teacher*] supply **of licensed educators**;

(f) The value of experience or nonacademic learning;

(g) The responsibilities imposed upon school districts by geographic and demographic conditions;

**and**

[*(h) The recommendations of the State Board of Education and Superintendent of Public Instruction; and*]

[*(i)*] **(h)** Other matters that tend to improve education.

**SECTION 10.** ORS 342.173 is amended to read:

342.173. [(1)] Any school district **or education service district** that employs any person not properly licensed **or registered** by the Teacher Standards and Practices Commission [*and*], **or licensed by the commission but not** assigned in accordance with [*the terms specified by the person's license shall forfeit in State School Fund moneys due the district an amount determined by the Teacher Standards and Practices Commission not to exceed the amount of the salary paid to the person for the time during which the person is employed. The forfeiture*] **rules of the commission, shall be subject to sanctions imposed by the commission. A sanction must be imposed according to rules adopted by the commission and** is effective unless:

[(a)] (1) The [*assignments are*] **assignment is** made with justification satisfactory to the [*Teacher Standards and Practices*] commission.

[(b)] (2) The [*teacher*] **person** is employed **as a teacher** by a post-secondary institution that is accredited by the Northwest Commission on Colleges and Universities, or its successor, and that has a contract with a school district under which the [*teacher*] **person** is teaching at the high school level. The contract shall be approved [*annually*] by the [*State Board of Education under rules adopted by the board*] **Teacher Standards and Practices Commission**, including criteria for a [*teacher's*] **person's** qualifications under [*subparagraph (C) of this*] paragraph **(b) of this subsection**. The contract shall:

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

[(B)] *Be approved annually by the governing boards of the post-secondary institution and the school district including a written determination that appropriately licensed personnel have not become available since the previous contract for the assignment;*

[(C)] **(b)** Provide evidence that the [*teacher's*] **person's** qualifications are appropriate for the assignment;

[(D)] (c) Allow the [teacher] **person** to teach no more than two high school units of credit or the equivalent per year; and

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

[(c)] (3) The person is teaching [a live, interactive distance learning course] **an online course** originating outside [the] **this** state.

[(2) A school district shall be required under subsection (1) of this section to forfeit not more than \$1,000 of State School Fund moneys due the district if the license has lapsed during the time of employment with the district and the holder had at the time the license expired all the qualifications necessary to renew the license.]

[(3) Notwithstanding subsections (1) and (2) of this section, a school district employing unlicensed staff members in positions requiring licensed personnel during the time of a labor dispute shall forfeit in State School Fund moneys an amount equal to the daily salary rate multiplied by the number of teaching days for each unlicensed teaching employee during the entire labor dispute.]

[(4) If the State Board of Education finds a contract to be in violation of the provisions of subsection (1)(b) of this section, the board shall report the violation to the Teacher Standards and Practices Commission, which shall proceed as provided in subsection (1) of this section.]

[(5) Any education service district that employs any person not properly licensed by the Teacher Standards and Practices Commission and assigned in accordance with the terms specified in the person's license shall pay from its funds an amount determined by the Teacher Standards and Practices Commission not to exceed the amount of salary paid to the person for the time during which the person was employed. The payment shall be required unless the assignment is made with justification satisfactory to the commission. All amounts received under this subsection shall be credited to the State School Fund.]

[(6) An education service district shall be required under subsection (5) of this section to pay a penalty of not more than \$1,000 if the license has lapsed during the time of employment with the district and the holder had at the time the license expired all the qualifications necessary to renew the license.]

[(7) Subject to any applicable collective bargaining agreement, an education service district required to pay any penalty under subsection (6) of this section is entitled to recover one-half of the amounts paid from the licensed personnel whose unlicensed status caused the payment. Recovery may not exceed one-half of the amount paid that is attributable to the licensed person.]

[(8) The Teacher Standards and Practices Commission shall notify districts of the licensing expiration dates of their employees who are reported to the commission. The reporting shall be done in a manner specified by the commission.]

[(9) Subject to any applicable collective bargaining agreement, a district required to forfeit any State School Fund moneys under subsection (2) of this section is entitled to recover one-half of the amounts forfeited from the licensed personnel whose unlicensed status caused the forfeiture. Recovery may not exceed one-half of the amount forfeited that is attributable to the particular licensed person.]

[(10) A school district or education service district that assigns a teacher to be present in the classroom during a live, interactive distance learning presentation may not be subject to the forfeiture described in subsection (1) of this section solely because the assignment does not conform to the terms specified on the license of the teacher.]

**SECTION 11.** ORS 342.175 is amended to read:

342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the license or registration of a teacher or administrator, discipline a teacher or administrator, or suspend or revoke the right of any person to apply for a license or registration, if the licensee, registrant or applicant has held a license or registration at any time within five years prior to issuance of the notice of charges under ORS 342.176 based on the following:

- (a) Conviction of a crime not listed in ORS 342.143 (3);
- (b) Gross neglect of duty;
- (c) Any gross unfitness;



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

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

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

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

(a) Conviction of a crime listed in ORS 342.143 (3) or a crime described by the commission by rule;

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

(c) Any conduct that may cause the commission to **issue a public reprimand for a teacher or to** suspend or revoke the license or registration of a teacher.

(3) The commission shall revoke any license or registration and shall revoke the right of any person to apply for a license or registration if the person [*has held a license or registration at any time and the holder or applicant*] has been convicted of any crime [*described*] **listed** in ORS 342.143 (3).

(4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (5) of this section, any person whose license or registration has been [*suspended or*] revoked, or whose [*privilege*] **right** to apply for a license or registration has been revoked, may apply to the commission for reinstatement of the license or registration after one year from the date of the [*suspension or*] revocation.

**(b) Any person whose license or registration has been suspended, or whose right to apply for a license or registration has been suspended, may apply to the commission for reinstatement of the license or registration.**

(c) The commission may require an applicant for reinstatement to furnish evidence satisfactory to the commission of good moral character, mental and physical health and such other evidence as the commission may consider necessary to establish the applicant's fitness. The commission may impose a probationary period and such conditions as [*it*] **the commission** considers necessary upon approving an application for reinstatement.

(5) The commission shall reconsider immediately a license or registration suspension or revocation or the situation of a person whose [*privilege*] **right** to apply for a license or registration has been revoked, upon application therefor, when the license or registration suspension or revocation or the [*privilege*] **right** revocation is based on a criminal conviction that is reversed on appeal.

(6) Violation of rules adopted by the commission relating to competent and ethical performance of professional duties shall be admissible as evidence of gross neglect of duty or gross unfitness.

(7) A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of a conviction described in this section.

**SECTION 12.** ORS 342.176 is amended to read:

342.176. (1) The Teacher Standards and Practices Commission shall promptly undertake an investigation upon receipt of a complaint or information that may constitute grounds for:

(a) Refusal to issue a license or registration, as provided under ORS 342.143;

(b) Suspension or revocation of a license or registration, discipline of a person holding a license or registration, or suspension or revocation of the right to apply for a license or registration, as provided under ORS 342.175; or

(c) Discipline for failure to provide appropriate notice prior to resignation, as provided under ORS 342.553.

(2) The commission may appoint an investigator and shall furnish the investigator with appropriate professional and other special assistance reasonably required to conduct the investigation, and the investigator is empowered to **issue subpoenas to require the attendance of witnesses**

**or the production of documents over the signature of the executive director of the commission,** subpoena witnesses over the signature of the executive director, swear witnesses and compel obedience in the same manner as provided under ORS 183.440 (2).

(3) Following completion of the investigation, the executive director **or the executive director's designee** shall report in writing any findings and recommendations to:

(a) The commission, meeting in executive session, at its next regular meeting following completion of the investigation; and

(b) The person against whom the charge is made, **following consideration by the commission.**

(4)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used in the investigation **undertaken as provided by this section** and the report **related to the investigation** [of the executive director] are confidential and not subject to public inspection unless the commission makes a final determination to:

(A) Refuse to issue a license or registration, as provided under ORS 342.143;

(B) Suspend or revoke a license or registration, discipline a person holding a license or registration, or suspend or revoke the right to apply for a license or registration, as provided under ORS 342.175; or

(C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided under ORS 342.553.

(b) Records made available to the commission under ORS 419B.035 (1)(h) shall be kept confidential.

(5) If the commission finds from the report that there is sufficient cause to justify holding a hearing under ORS 342.177, [it] **the commission** shall notify in writing:

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

(b) The complainant; and

(c) The employing district or public charter school, if any.

(6) If the commission finds from the report that there is not sufficient cause to justify holding a hearing under ORS 342.177, [it] **the commission** shall notify in writing:

(a) The person charged;

(b) The complainant; and

(c) The employing district or public charter school, if any.

(7) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions.

**SECTION 13.** ORS 342.177 is amended to read:

342.177. (1)(a) Hearings under ORS 342.176 shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

(b) Any hearing conducted under this [subsection] **section** shall be private unless the person against whom the charge is made requests a public hearing. Students attending school in the employing district may not attend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. Students attending a public charter school that employs the person may not attend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. The person **charged** [against whom the charge is made] shall have the right to be represented by counsel and to present evidence and argument. The evidence must be confined to the charges.

(2) The Teacher Standards and Practices Commission or the person charged may have subpoenas issued to compel attendance at the hearing. The person charged may have subpoenas issued by an attorney of record subscribed by the signature of the attorney or by the executive director. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the commission, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission or the person charged shall have the right to compel the attendance and obedience of witnesses in the same manner as provided under ORS 183.440 (2).

(3) The commission shall render its decision at its next regular meeting following the hearing. If the decision of the commission is that the charge described in ORS 342.175 (1) has been proven, the commission may take any or all of the following disciplinary action against the person charged:

(a) Issue a public reprimand.

(b) Place the person on probation for a period not to exceed four years and subject to such conditions as the commission considers necessary.

(c) Suspend the license or registration of the teacher or administrator for a period not to exceed one year.

(d) Revoke the license or registration of the teacher or administrator.

(e) Revoke the [*privilege*] **right** to apply for a license or registration.

(4) If the decision of the commission is that the charge is not proven, the commission shall order the charges dismissed.

(5) The commission shall notify in writing the person charged[,] **and** the employing [*school*] district or public charter school [*and the Superintendent of Public Instruction*] of the decision.

**SECTION 14.** ORS 342.180 is amended to read:

342.180. (1) Any person whose license or registration has been suspended or revoked or who has been disciplined, or who has been refused issuance or reinstatement of a license or registration, and is aggrieved at the decision of the Teacher Standards and Practices Commission, may appeal in the manner provided in ORS 183.480.

(2) If [*the Superintendent of Public Instruction,*] the district school board or the public charter school employing the teacher or administrator is aggrieved at the decision of the commission, [*the superintendent,*] the board or the school may appeal from the decision in the manner provided in ORS 183.480.

(3) Unless the decision of the commission is accompanied by a finding that immediate suspension or revocation of the teaching license or registration is necessary to protect the safety and well-being of students, an appeal made under this section in a proceeding to suspend or revoke shall operate as a stay of the suspension or revocation, if any, until the determination of the appeal.

**SECTION 15.** ORS 342.192 is amended to read:

342.192. (1) [*Except as provided in subsection (4) of this section,*] The Teacher Standards and Practices Commission [*shall not*] **may** issue a license to an out-of-state applicant [*unless*] **if** the applicant has met the professional requirements established by rule by the commission and has completed a course of study [*substantially similar to that required for an in-state applicant*] **that is acceptable to the commission.**

[(2) *Notwithstanding subsection (1) of this section, if the commission establishes that the position or positions to be filled are in a geographic or subject matter area in which there are an insufficient number of in-state applicants, the commission may issue a license to an out-of-state applicant who has completed a course of study approved by the commission.*]

[(3) *In situations described in subsection (2) of this section, the commission shall adopt by rule standards providing for equal treatment for graduates of approved Oregon colleges and universities.*]

[(4) *Notwithstanding subsection (1) of this section, the commission may enter into a reciprocal agreement with the appropriate official of any other state for licensure of applicants from the state if the commission determines that the standards and requirements for certification or licensure in that state are substantially similar to the standards and requirements for licensure under applicable statutes of this state and rules of the commission.*]

[(5)] (2) [*Teachers*] **Applicants** granted licenses under [*subsections (2), (3) and (4) of*] this section shall be required to meet all standards required of Oregon teachers, including the requirements of ORS 342.123, not later than [*three*] **two** years following the date of initial granting of the license.

**SECTION 16.** ORS 342.195 is amended to read:

342.195. (1) An otherwise qualified applicant for an initial or basic teaching license shall be granted the license upon payment of the required fees and the showing by proof satisfactory to the Teacher Standards and Practices Commission that:

(a) While the applicant was in the Peace Corps program or was a volunteer under section 603 of the Economic Opportunity Act of 1964 (Public Law 88-452), the applicant:

(A) Completed two years of satisfactory service that emphasized teaching in any preprimary program or in any grade 1 through 12 in subjects regularly taught in public schools; and

(B)(i) Has completed an approved [*teacher education*] **educator preparation** program; or

(ii) Has earned at least a baccalaureate degree from an accredited institution of higher education and has completed a teacher training program provided under the auspices of the federal program; or

(b) The applicant was a certified instructor for the Armed Forces of the United States, if the applicant provides the commission with documentation of military training or experience that the commission determines is substantially equivalent to the training required for an initial or basic teaching license.

(2)(a) The commission shall establish by rule an expedited process by which a military spouse or domestic partner who is licensed to teach in another state may apply for and obtain a teaching license.

(b) As used in this subsection, “military spouse or domestic partner” means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.

**SECTION 17.** ORS 342.200 is amended to read:

342.200. [(1)] In order to allow the school districts of the state to take full advantage of various professional skills and disciplines not directly developed through teaching experience or professional education for which teaching experience is a prerequisite, it is the public policy of the State of Oregon that the Teacher Standards and Practices Commission, in [*establishing professional requirements and experience*] **prescribing qualifications** under ORS [342.140] **342.125**, shall consider professional skills, education and experience not directly related to, nor contingent upon, teaching experience or training as a classroom teacher.

[(2) *The commission shall establish and prescribe the requirements for an optional advanced leadership endorsement for licensed public school administrators who engage in mentoring, professional support for new teachers or administrators, outstanding instructional leadership and demonstrated school improvement.*]

**SECTION 18.** ORS 342.203 is amended to read:

342.203. (1) [*Annually not later than March 1,*] The Teacher Standards and Practices Commission shall [*cause to be circulated among all of the common and union high*] **regularly publish information online that can be accessed by** school districts, **public charter schools** and education service districts [*in this state a list of*] **and that includes the following:**

(a) All teachers and administrators whose teaching or administrative licenses have been suspended or revoked or who have been reprimanded or placed on probation during the preceding 12 months.

(b) All [*students at approved teacher education institutions or programs*] **candidates enrolled in approved educator preparation programs** under ORS 342.147 whose right to apply for a license or registration has been suspended or revoked during the preceding 12 months.

(2) If the decision of the commission is appealed under ORS 342.180, the name of the teacher, administrator or [*student*] **candidate** shall not be [*placed on the list authorized by*] **published online under** subsection (1) of this section unless and until such decision has been sustained by the Court of Appeals or until the appeal has been dropped.

**SECTION 19.** ORS 342.208 is amended to read:

342.208. (1) The Oregon Education Investment Board shall develop model career pathways for [*educational*] **instructional** assistants, as defined in ORS 342.120, to become licensed teachers. The model career pathways must take into consideration the skills and experience attained by an [*educational*] **instructional** assistant.

(2) The model career pathways must identify:

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

(b) Guidelines for school districts, education service districts and institutions of higher education to collaborate to assist an [educational] **instructional** assistant who is participating in a career pathway.

**SECTION 20.** ORS 342.208, as amended by section 4, chapter 286, Oregon Laws 2013, is amended to read:

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

(2) The model career pathways must identify:

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

(b) Guidelines for school districts, education service districts and institutions of higher education to collaborate to assist an [educational] **instructional** assistant who is participating in a career pathway.

**SECTION 21.** ORS 342.223 is amended to read:

342.223. (1) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Teacher Standards and Practices Commission may require the fingerprints of:

(a) A person who is applying for initial issuance of a license **or registration** under ORS 342.120 to 342.430 as a teacher, administrator or personnel specialist if the person has not submitted to a criminal records check by the commission within the previous [year] **three years or has remained continuously licensed by or registered with the commission for a different license or registration for which the person already has submitted to a criminal records check by the commission.**

(b) A person who is applying for reinstatement of a license **or registration** as a teacher, administrator or personnel specialist, **or a certificate as a school nurse**, whose license, **registration or certificate** has lapsed for at least three years.

(c) A person who is applying for initial issuance of a certificate under ORS 342.475 as a school nurse.

(d) A person who is registering with the commission for student teaching, practicum or internship as a teacher, administrator or personnel specialist, if the person **does not hold a current license issued by the commission and** has not submitted to a criminal records check by the commission within the previous three years for student teaching, practicum or internship as a teacher, administrator or personnel specialist.

(e) A person who is applying for initial issuance of a registration as a public charter school teacher or administrator under ORS 342.125.

(2) The making of any false statement as to the conviction of a crime is grounds for refusal to issue, renew or reinstate a license, certificate or registration and is in addition to the grounds stated in ORS 342.143.

(3) A person may appeal the refusal to issue an initial license, [certificate or] registration **or certificate** under this section as a contested case under ORS 183.413 to 183.470, but the refusal to renew or reinstate a license or registration is subject to ORS 342.175 to 342.180, and the commission shall notify the person of the right to appeal.

**SECTION 22.** ORS 342.360 is amended to read:

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

- (a) Four elementary teachers;
- (b) Four junior or senior high school teachers;
- (c) One elementary school administrator;
- (d) One junior or senior high school administrator;
- (e) One superintendent of city schools;
- (f) One county superintendent or a superintendent employed by an education service district board;
- (g) One member from the faculty of an approved [*private teacher education institution*] **educator preparation provider within a private college or university** in Oregon;
- (h) One member from the faculty of **an approved educator preparation provider within a public university** listed in ORS 352.002;
- (i) One member who is also a member of a district school board; and
- (j) Two members of the general public.

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

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

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

**SECTION 23.** ORS 342.390 is amended to read:

342.390. (1) The Teacher Standards and Practices Commission shall meet at least once every six months at a place, day and hour determined by the commission. The commission shall also meet at such other times and places as are specified by the call of the chairperson or of a majority of the members of the commission.

(2) A member of the commission who is employed at a public school or by a private [*teacher education institution*] **educator preparation provider** or by a public university listed in ORS 352.002 shall receive no compensation for services as a member; but subject to any other applicable law regulating travel and other expenses for state officers, the member shall receive actual and necessary travel and other expenses incurred in the performance of official duties as provided by ORS 292.495 (2).

(3) A member of the commission who serves on the commission in the capacity of a district school board member or as a member of the general public shall be entitled to compensation and expenses as provided in ORS 292.495 (1) and (2).

**SECTION 24.** ORS 342.443 is amended to read:

342.443. (1) The Oregon Education Investment Board shall report biennially to the Legislative Assembly longitudinal data on the number and percentage of:

- (a) Minority students enrolled in community colleges;
- (b) Minority students applying for admission to public universities listed in ORS 352.002;
- (c) Minority students accepted in public universities;
- (d) Minority students graduated from public universities;
- (e) Minority candidates seeking to enter public [*teacher education*] **educator preparation** programs in this state;
- (f) Minority candidates admitted to public [*teacher education*] **educator preparation** programs;

(g) Minority candidates who have completed [*approved public teacher education*] **public educator preparation** programs;

(h) Minority candidates receiving Oregon teaching licenses based on preparation in this state and preparation in other states;

(i) Minority teachers who are newly employed in the public schools in this state; and

(j) Minority teachers already employed in the public schools.

(2) The board also shall report comparisons of minorities' and nonminorities' scores on basic skills, pedagogy and subject matter tests.

(3) The Oregon University System, the public universities with governing boards listed in ORS 352.054, the Department of Education, the Teacher Standards and Practices Commission, community colleges and school districts shall cooperate with the board in collecting data and preparing the report.

**SECTION 25.** ORS 342.443, as amended by section 5, chapter 778, Oregon Laws 2013, is amended to read:

342.443. (1) The Education and Workforce Policy Advisor shall report biennially to the Legislative Assembly longitudinal data on the number and percentage of:

(a) Minority students enrolled in community colleges;

(b) Minority students applying for admission to public universities listed in ORS 352.002;

(c) Minority students accepted in public universities;

(d) Minority students graduated from public universities;

(e) Minority candidates seeking to enter public [*teacher education*] **educator preparation** programs in this state;

(f) Minority candidates admitted to public [*teacher education*] **educator preparation** programs;

(g) Minority candidates who have completed [*approved public teacher education*] **public educator preparation** programs;

(h) Minority candidates receiving Oregon teaching licenses based on preparation in this state and preparation in other states;

(i) Minority teachers who are newly employed in the public schools in this state; and

(j) Minority teachers already employed in the public schools.

(2) The advisor also shall report comparisons of minorities' and nonminorities' scores on basic skills, pedagogy and subject matter tests.

(3) The Oregon University System, the public universities with governing boards listed in ORS 352.054, the Department of Education, the Teacher Standards and Practices Commission, community colleges and school districts shall cooperate with the advisor in collecting data and preparing the report.

**SECTION 26.** ORS 342.447 is amended to read:

342.447. (1) The State Board of Higher Education shall require each public [*teacher education*] **educator preparation** program in this state to prepare a plan with specific goals, strategies and deadlines for the recruitment, admission, retention and graduation of minority teachers.

(2) The [*state*] board shall review the plans for the adequacy and feasibility of the plans and, after making necessary revisions, shall adopt the plans.

(3) The [*state*] board shall adopt rules governing:

(a) The contents of the plans;

(b) The [*state*] board's initial and biennial review process, including timetables for revising plans; and

(c) Other matters necessary for carrying out the provisions of ORS 342.433 to 342.449 and 351.077.

**SECTION 27.** ORS 342.950 is amended to read:

342.950. (1) The Network of Quality Teaching and Learning is established. The network consists of the Oregon Education Investment Board, the Department of Education and public and private entities that receive funding as provided by this section to accomplish the purposes of the network described in subsection (2) of this section.

(2) The purposes of the network are the following:

(a) To enhance a culture of leadership and collaborative responsibility for advancing the profession of teaching among providers of early learning services, teachers and administrators in kindergarten through grade 12, education service districts and *[teacher education institutions]* **educator preparation providers**.

(b) To strengthen and enhance existing evidence-based practices that improve student achievement, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and 342.805 to 342.937.

(c) To improve recruitment, preparation, induction, career advancement opportunities and support of educators.

(3) To accomplish the purposes of the network described in subsection (2) of this section, the Department of Education, subject to the direction and control of the Chief Education Officer, shall distribute funding as follows:

(a) To school districts, schools, nonprofit organizations, post-secondary institutions and consortiums that are any combination of those entities for the purpose of supporting the implementation of common core state standards.

(b) To school districts and nonprofit organizations for the purposes of complying with the core teaching standards adopted as provided by ORS 342.856 and complying with related standards prescribed by federal law.

(c) To school districts and nonprofit organizations for the purpose of providing teachers with opportunities for professional collaboration and professional development and for the pursuit of career pathways in a manner that is consistent with the School District Collaboration Grant Program described in ORS 329.838.

(d) To school districts and nonprofit organizations for the purpose of providing beginning teachers and administrators with mentors in a manner that is consistent with the beginning teacher and administrator mentorship program described in ORS 329.788 to 329.820.

(e) To school districts for the purposes of obtaining assessments and developing professional development plans to meet school improvement objectives and educator needs.

(f) To school districts, nonprofit organizations and post-secondary institutions for the purpose of closing achievement gaps by providing and improving the effectiveness of professional development, implementing data-driven decision making, supporting practice communities and implementing culturally competent practices.

(g) To school districts and nonprofit organizations for the purposes of developing and engaging in proficiency-based or student-centered learning practices and assessments.

(h) To school districts, nonprofit organizations and post-secondary institutions for the purposes of strengthening educator preparation programs and supporting the development and sustainability of partnerships between providers of early learning services, public schools with any grades from kindergarten through grade 12 and post-secondary institutions.

(i) To providers of early learning services, nonprofit organizations and post-secondary institutions for the purposes of providing professional development and supporting providers of early learning services with opportunities for professional collaboration and advancement.

(4) The Oregon Education Investment Board shall support the network by:

(a) Conducting and coordinating research to determine best practices and evidence-based models.

(b) Working with educator preparation programs to ensure ongoing collaboration with education providers.

(c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as described in ORS 342.437.

(d) Creating and supporting a statewide plan for increasing the successful recruitment of high-ability and culturally diverse candidates to work in high-need communities and fields.

(5) The Department of Education shall support the network by:



(a) Developing a system that ensures statewide dissemination of best practices and evidence-based models.

(b) Supporting the development and implementation of standards-based curriculum, high-leverage practices and assessments that promote student learning and improve outcomes for students learning English as a second language and for students with disabilities.

(c) Administering the distribution of funding as described in subsection (3) of this section.

(6) The Oregon Education Investment Board shall develop processes to establish the network and ensure the accountability of the network. The processes must ensure that the network:

(a) Gives preference to entities that have demonstrated success in improving student outcomes.

(b) Delivers services for the benefit of all regions of this state.

(c) Is accountable for improving education outcomes identified by the Oregon Education Investment Board, contained in achievement compacts or set forth in ORS 351.009.

(d) Includes and connects education providers and leaders from pre-kindergarten through post-secondary education.

(7) No more than two percent of all moneys received for the purposes of this section may be expended by the Oregon Education Investment Board or the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, technical assistance and direct program services provided to school districts and nonprofit organizations are not considered administrative costs.

(8) The State Board of Education may adopt any rules necessary for the Department of Education to support the network and perform any duties assigned to the department under this section or assigned to the department by the Oregon Education Investment Board. Any rules adopted by the State Board of Education must be consistent with this section and with actions taken by the Oregon Education Investment Board to implement this section.

**SECTION 28.** ORS 342.950, as amended by section 2, chapter 661, Oregon Laws 2013, is amended to read:

342.950. (1) The Network of Quality Teaching and Learning is established. The network consists of the Department of Education and public and private entities that receive funding as provided by this section to accomplish the purposes of the network described in subsection (2) of this section.

(2) The purposes of the network are the following:

(a) To enhance a culture of leadership and collaborative responsibility for advancing the profession of teaching among providers of early learning services, teachers and administrators in kindergarten through grade 12, education service districts and *[teacher education institutions]* **educator preparation providers**.

(b) To strengthen and enhance existing evidence-based practices that improve student achievement, including practices advanced by or described in ORS 329.788 to 329.820, 329.822, 329.824, 329.838, 342.433 to 342.449 and 342.805 to 342.937.

(c) To improve recruitment, preparation, induction, career advancement opportunities and support of educators.

(3) To accomplish the purposes of the network described in subsection (2) of this section, the Department of Education, subject to the direction and control of the Superintendent of Public Instruction, shall distribute funding as follows:

(a) To school districts, schools, nonprofit organizations, post-secondary institutions and consortiums that are any combination of those entities for the purpose of supporting the implementation of common core state standards.

(b) To school districts and nonprofit organizations for the purposes of complying with the core teaching standards adopted as provided by ORS 342.856 and complying with related standards prescribed by federal law.

(c) To school districts and nonprofit organizations for the purpose of providing teachers with opportunities for professional collaboration and professional development and for the pursuit of career pathways in a manner that is consistent with the School District Collaboration Grant Program described in ORS 329.838.

(d) To school districts and nonprofit organizations for the purpose of providing beginning teachers and administrators with mentors in a manner that is consistent with the beginning teacher and administrator mentorship program described in ORS 329.788 to 329.820.

(e) To school districts for the purposes of obtaining assessments and developing professional development plans to meet school improvement objectives and educator needs.

(f) To school districts, nonprofit organizations and post-secondary institutions for the purpose of closing achievement gaps by providing and improving the effectiveness of professional development, implementing data-driven decision making, supporting practice communities and implementing culturally competent practices.

(g) To school districts and nonprofit organizations for the purposes of developing and engaging in proficiency-based or student-centered learning practices and assessments.

(h) To school districts, nonprofit organizations and post-secondary institutions for the purposes of strengthening educator preparation programs and supporting the development and sustainability of partnerships between providers of early learning services, public schools with any grades from kindergarten through grade 12 and post-secondary institutions.

(i) To providers of early learning services, nonprofit organizations and post-secondary institutions for the purposes of providing professional development and supporting providers of early learning services with opportunities for professional collaboration and advancement.

(4) The Department of Education shall support the network by:

(a) Conducting and coordinating research to determine best practices and evidence-based models.

(b) Working with educator preparation programs to ensure ongoing collaboration with education providers.

(c) Supporting programs that help to achieve the goal of the Minority Teacher Act of 1991 as described in ORS 342.437.

(d) Creating and supporting a statewide plan for increasing the successful recruitment of high-ability and culturally diverse candidates to work in high-need communities and fields.

(e) Developing a system that ensures statewide dissemination of best practices and evidence-based models.

(f) Supporting the development and implementation of standards-based curriculum, high-leverage practices and assessments that promote student learning and improve outcomes for students learning English as a second language and for students with disabilities.

(g) Administering the distribution of funding as described in subsection (3) of this section.

(5) The State Board of Education shall develop processes to establish the network and ensure the accountability of the network. The processes must ensure that the network:

(a) Gives preference to entities that have demonstrated success in improving student outcomes.

(b) Delivers services for the benefit of all regions of this state.

(c) Is accountable for improving education outcomes identified by the State Board of Education, contained in achievement compacts or set forth in ORS 351.009.

(d) Includes and connects education providers and leaders from pre-kindergarten through post-secondary education.

(6) No more than two percent of all moneys received for the purposes of this section may be expended by the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, technical assistance and direct program services provided to school districts and nonprofit organizations are not considered administrative costs.

(7) The State Board of Education may adopt any rules necessary for the Department of Education to support the network and perform any duties assigned to the department under this section. Any rules adopted by the State Board of Education must be consistent with this section.

**NOTE:** Sections 29 through 35 were deleted by amendment. Subsequent sections were not renumbered.

**SECTION 36.** ORS 342.971 is amended to read:

342.971. (1) There is created the Educator Preparation Improvement Fund, separate and distinct from the General Fund. Interest earned on moneys in the Educator Preparation Improvement Fund shall be credited to the fund.

(2) The Teacher Standards and Practices Commission may accept from any source any grant, donation or gift of money or other valuable thing made to the commission for purposes of the Educator Preparation Improvement Fund.

(3) Moneys credited to the Educator Preparation Improvement Fund are continuously appropriated to the commission for the purposes set forth in subsection (4) of this section. The commission may draw checks or orders upon the State Treasurer in making disbursements from the Educator Preparation Improvement Fund for the purposes set forth in subsection (4) of this section.

(4) The purpose of the Educator Preparation Improvement Fund is to encourage approved [*teacher education*] **educator preparation** programs and school district partnerships that:

(a) Respond to changes in education of students in preprimary programs and grades 1 through 12;

(b) Encourage collaboration around delivery models that provide effective professional preparation;

(c) Recognize the needs of the education workforce in this state, including but not limited to recruiting underrepresented persons, teachers and administrators to work in high needs areas such as special education, mathematics, science and teaching English to speakers of other languages;

(d) Encourage collaborative initiatives that improve student success and postsecondary access and achievement; and

(e) Respond to the need for national accreditation of approved [*teacher education*] **educator preparation** programs in this state.

**SECTION 37.** ORS 327.008, as amended by section 6, chapter 81, Oregon Laws 2014, is amended to read:

327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist of moneys appropriated by the Legislative Assembly and moneys transferred from the Education Stability Fund. The State School Fund is continuously appropriated to the Department of Education for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, [342.173,] 343.243, 343.533 and 343.961 and sections 1 to 3, chapter 735, Oregon Laws 2013, and section 2, chapter 81, Oregon Laws 2014.

(2) There shall be apportioned from the State School Fund to each school district a State School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant and a transportation grant and a high cost disabilities grant minus local revenue, computed as provided in ORS 327.011 and 327.013.

(3) There shall be apportioned from the State School Fund to each education service district a State School Fund grant as calculated under ORS 327.019.

(4) All figures used in the determination of the distribution of the State School Fund shall be estimates for the same year as the distribution occurs, unless otherwise specified.

(5) Numbers of students in average daily membership used in the distribution formula shall be the numbers as of June of the year of distribution.

(6) A school district may not use the portion of the State School Fund grant that is attributable to the facility grant for capital construction costs.

(7) The total amount of the State School Fund that is distributed as facility grants may not exceed \$20 million in any biennium. If the total amount to be distributed as facility grants exceeds this limitation, the Department of Education shall prorate the amount of funds available for facility grants among those school districts that qualified for a facility grant.

(8) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Facility Account established in section 5, chapter 81, Oregon Laws 2014, the amount necessary to pay the costs of educational services provided to students admitted to pediatric nursing facilities as provided in section 2, chapter 81, Oregon Laws 2014.

(9) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

(10)(a) Each biennium, the Department of Education shall transfer \$33 million from the State School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

(b) For the purpose of making the transfer under this subsection:

(A) The total amount available for all distributions from the State School Fund shall be reduced by \$5 million;

(B) The amount distributed to school districts from the State School Fund under this section and ORS 327.013 shall be reduced by \$14 million; and

(C) The amount distributed to education service districts from the State School Fund under this section and ORS 327.019 shall be reduced by \$14 million.

(c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection shall be adjusted by the same percentage by which the amount appropriated to the State School Fund for that biennium is increased or decreased compared to the preceding biennium, as determined by the Department of Education after consultation with the Legislative Fiscal Officer.

(11) Each fiscal year, the Department of Education may expend up to \$550,000 from the State School Fund for the contract described in ORS 329.488. The amount distributed to education service districts from the State School Fund under this section and ORS 327.019 shall be reduced by the amount expended by the department under this subsection.

(12) Each biennium, the Department of Education may expend up to \$350,000 from the State School Fund to provide administration of and support for the development of talented and gifted education under ORS 343.404.

(13) Each biennium, the Department of Education may expend up to \$150,000 from the State School Fund for the administration of a program to increase the number of speech-language pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

(14) Each fiscal year, the Department of Education shall transfer the amount of \$2.5 million from the State School Fund to the Small School District Supplement Fund established in section 3, chapter 735, Oregon Laws 2013.

**SECTION 38.** ORS 327.008, as amended by section 7, chapter 735, Oregon Laws 2013, and section 7, chapter 81, Oregon Laws 2014, is amended to read:

327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist of moneys appropriated by the Legislative Assembly and moneys transferred from the Education Stability Fund. The State School Fund is continuously appropriated to the Department of Education for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 336.575, 336.580, 336.635, [342.173,] 343.243, 343.533 and 343.961 and section 2, chapter 81, Oregon Laws 2014.

(2) There shall be apportioned from the State School Fund to each school district a State School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant and a transportation grant and a high cost disabilities grant minus local revenue, computed as provided in ORS 327.011 and 327.013.

(3) There shall be apportioned from the State School Fund to each education service district a State School Fund grant as calculated under ORS 327.019.

(4) All figures used in the determination of the distribution of the State School Fund shall be estimates for the same year as the distribution occurs, unless otherwise specified.

(5) Numbers of students in average daily membership used in the distribution formula shall be the numbers as of June of the year of distribution.

(6) A school district may not use the portion of the State School Fund grant that is attributable to the facility grant for capital construction costs.

(7) The total amount of the State School Fund that is distributed as facility grants may not exceed \$20 million in any biennium. If the total amount to be distributed as facility grants exceeds this limitation, the Department of Education shall prorate the amount of funds available for facility grants among those school districts that qualified for a facility grant.

(8) Each fiscal year, the Department of Education shall transfer to the Pediatric Nursing Facility Account established in section 5, chapter 81, Oregon Laws 2014, the amount necessary to pay the costs of educational services provided to students admitted to pediatric nursing facilities as provided in section 2, chapter 81, Oregon Laws 2014.

(9) Each fiscal year, the Department of Education shall transfer the amount of \$18 million from the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

(10)(a) Each biennium, the Department of Education shall transfer \$33 million from the State School Fund to the Network of Quality Teaching and Learning Fund established under ORS 342.953.

(b) For the purpose of making the transfer under this subsection:

(A) The total amount available for all distributions from the State School Fund shall be reduced by \$5 million;

(B) The amount distributed to school districts from the State School Fund under this section and ORS 327.013 shall be reduced by \$14 million; and

(C) The amount distributed to education service districts from the State School Fund under this section and ORS 327.019 shall be reduced by \$14 million.

(c) For each biennium, the amounts identified in paragraph (b)(B) and (C) of this subsection shall be adjusted by the same percentage by which the amount appropriated to the State School Fund for that biennium is increased or decreased compared to the preceding biennium, as determined by the Department of Education after consultation with the Legislative Fiscal Officer.

(11) Each fiscal year, the Department of Education may expend up to \$550,000 from the State School Fund for the contract described in ORS 329.488. The amount distributed to education service districts from the State School Fund under this section and ORS 327.019 shall be reduced by the amount expended by the department under this subsection.

(12) Each biennium, the Department of Education may expend up to \$350,000 from the State School Fund to provide administration of and support for the development of talented and gifted education under ORS 343.404.

(13) Each biennium, the Department of Education may expend up to \$150,000 from the State School Fund for the administration of a program to increase the number of speech-language pathologists and speech-language pathology assistants under ORS 348.394 to 348.406.

**SECTION 39.** ORS 327.495 is amended to read:

327.495. All moneys received by the State Board of Education for distribution to school districts in this state for the purpose of carrying out experimental and demonstration programs to improve *[teaching and teacher education]* **education and educator preparation** in this state are *[hereby]* continuously appropriated for such purpose.

**SECTION 40.** ORS 329.840 is amended to read:

329.840. (1) There is created the Oregon Virtual School District within the Department of Education. The purpose of the Oregon Virtual School District is to provide online courses to kindergarten through grade 12 public school students.

(2) The Oregon Virtual School District shall provide online courses that meet academic content standards as defined in ORS 329.007 and meet other criteria adopted by the State Board of Education. Any person who teaches an online course must be properly licensed **as required by ORS 342.173 for a person employed by a school district or education service district** or properly registered as required by ORS 338.135 *[and 342.173]* for a person employed by a *[school district or]* public charter school. All school districts and public charter schools may allow students to access the online courses offered by the Oregon Virtual School District.

(3) The Superintendent of Public Instruction may contract with education service districts, school districts, public charter schools, community colleges, public universities listed in ORS 352.002 or any other public entity to provide online courses through the Oregon Virtual School District.

(4) Statutes and rules that apply to other school districts do not apply to the Oregon Virtual School District except as provided under this section or by rule of the State Board of Education. The Oregon Virtual School District is not considered a school district for purposes of apportionment

of the State School Fund and the department may not receive a direct apportionment under ORS 327.008 from the State School Fund for the Oregon Virtual School District.

(5) The board may adopt the rules necessary for the administration of the Oregon Virtual School District and shall adopt rules to establish:

(a) The procedure and criteria to be used for the selection of online courses to be offered through the Oregon Virtual School District;

(b) The qualifications of students who may access online courses through the Oregon Virtual School District;

(c) The number of credits for which students may access online courses through the Oregon Virtual School District; and

(d) The student-to-teacher ratio for online courses offered through the Oregon Virtual School District.

**SECTION 41.** ORS 332.075, as amended by section 1, chapter 43, Oregon Laws 2014, is amended to read:

332.075. (1) Any district school board may:

(a) Fix the days of the year and the hours of the day when schools shall be in session.

(b) Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141 and courses of study for the use of such schools as provided in ORS 336.035.

(c) Authorize the use of the schools for purposes of training students of an [*approved teacher education institution*] **approved educator preparation provider**, as defined in ORS 342.120, and for such purposes may enter into contracts with the [*approved teacher education institutions*] **approved educator preparation providers** on such terms as may be agreed upon. Such contracts as they relate to student teachers shall have the same effect and be subject to the same regulations as a contract between a licensed teacher and a district school board.

(d) Develop and operate with other school districts or community college districts secondary career and technical education programs for pupils of more than one district and fix by agreement the duration of the district's obligation to continue such activity, subject to the availability of funds therefor.

(e) Authorize the school district to be a member of and pay fees, if any, to any voluntary organization that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities.

(f) Accept money or property donated for the use or benefit of the school district and, consistent with the laws of this state, use such money or property for the purpose for which it was donated.

(g) Enter into an approved written agreement with the governing body of a federally recognized Native American tribe in Oregon to allow the use of a mascot that represents, is associated with or is significant to the Native American tribe entering into the agreement. An agreement entered into under this paragraph must:

(A) Describe the acceptable uses of the mascot;

(B) Comply with rules adopted by the State Board of Education that:

(i) Are adopted after consultation with the federally recognized tribes in Oregon pursuant to ORS 182.164 (3); and

(ii) Prescribe the requirements for approval; and

(C) Be approved by the State Board of Education, which the board must provide if the agreement meets the requirements of this paragraph and the rules adopted under this paragraph.

(2) All contracts of the school district must be approved by the district school board before an order can be drawn for payment. If a contract is made without the authority of the district school board, the individual making such contract shall be personally liable.

(3) Notwithstanding subsection (2) of this section, a district school board may, by resolution or policy, authorize its superintendent or the superintendent's designee to enter into and approve payment on contracts for products, materials, supplies, capital outlay, equipment and services that are within appropriations made by the district school board pursuant to ORS 294.456. A district school board may not authorize its superintendent or the superintendent's designee under this subsection

to enter into and approve payment on contracts that are collective bargaining agreements or service contracts that include the provision of labor performed by employees of the school district.

**SECTION 42.** ORS 332.155 is amended to read:

332.155. A district school board:

(1) May furnish, equip, repair, lease, purchase and build schoolhouses, including high schools, junior high schools, career and technical education schools, gymnasiums, houses for teachers and other employees, and like buildings; and locate, buy and lease lands for all school purposes. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may be for a term of up to 30 years.

(2) May contract for the removal or containment of asbestos substances in school buildings and for repairs made necessary by such removal or containment. Contracts authorized by this section may be for a term exceeding one year.

(3) May construct or cooperate in the construction of [*schools for training of student teachers*] **facilities for educator preparation providers** on state or district owned lands, for any public university listed in ORS 352.002 that is in or contiguous to the district, and to expend district funds in so doing.

(4) May acquire personal property by a lease-purchase agreement or contract of purchase for a term exceeding one year. A lease-purchase agreement is one in which the rent payable by the district is expressly agreed to have been established to reflect the savings resulting from the exemption from taxation, and the district is entitled to ownership of the property at a nominal or other price that is stated or determinable by the terms of the agreement and was not intended to reflect the true value of the property.

(5) May lease, sell and convey all property of the district as may not in the judgment of the district school board be required for school purposes.

(6) May sell property of the district in transactions whereby the district has the right to lease, occupy or reacquire the property following the sale or have facilities constructed thereon or furnished to the specifications of the district. The construction or furnishing of such facilities shall be subject to:

(a) ORS chapter 279A, except ORS 279A.125 and 279A.250 to 279A.290;

(b) ORS chapter 279B, except ORS 279B.235, 279B.240, 279B.270, 279B.275 and 279B.280; and

(c) ORS chapter 279C.005, 279C.100 to 279C.125 and 279C.300 to 279C.470.

(7) Shall furnish the schools with supplies, equipment, apparatus and services essential to meeting the requirements of a standard school and may furnish such other supplies, equipment, apparatus and services as the board considers advisable.

(8) May construct, purchase or lease in cooperation with other school districts or community college districts facilities for secondary career and technical education programs for pupils of more than one district and may furnish or cooperate in furnishing supplies and equipment for such facilities, to be financed in the same manner as other school buildings and supplies are financed.

(9) May purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed 30 years.

(10) May purchase relocatable classrooms and other relocatable structures in installment transactions in which deferred installments of the purchase price are payable over not more than 10 years from the date such property is delivered to the district for occupancy and are secured by a security interest in such property. Such transactions may take the form of, but are not limited to, lease-purchase agreements.

(11) May enter into rental or lease-purchase agreements covering motor vehicles operated by the district.

**SECTION 43.** ORS 332.505 is amended to read:

332.505. (1) **As used in this section:**

(a) **“Instructional assistant” has the meaning given that term in ORS 342.120.**

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

[1] (2) A district school board may:

(a) Employ a superintendent of schools and necessary assistant superintendents for the district and fix the terms and conditions of employment and the compensation. The district school board shall not contract with a superintendent for more than a period of three years at a time. The contract shall automatically expire at the end of its term. However, the district school board may elect to issue a subsequent contract for an additional three years at any time.

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

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

(d) Employ *[educational]* **instructional** assistants and intern teachers subject to the rules of the State Board of Education.

[2] (3) The district school board shall maintain written personnel policies and make the policies available for inspection by any school employee or member of the public.

[3] (4) The superintendent of the school district shall cause each employee to be specifically informed of the existence and availability of the personnel policies.

**SECTION 44.** ORS 334.225 is amended to read:

334.225. (1) The education service district board shall employ a superintendent who must hold an administrative license as a superintendent *[and a certificate described in ORS 342.121 (2)(b)]*. The superintendent shall serve as the board’s executive officer, give an official bond or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, and have the duties prescribed by the board and the laws of this state. The board shall fix the term and compensation of the superintendent, provide office room for the superintendent and allow all of the superintendent’s necessary traveling expenses.

(2) The education service district board shall designate the superintendent as the district clerk. The board may appoint qualified persons as deputies to the superintendent to perform the duties required of the district clerk by law or by the board.

**SECTION 45.** ORS 336.631 is amended to read:

336.631. (1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:

(a) Annually approve the private alternative education program;

(b) Determine that the private alternative education program is registered with the Department of Education; and

(c) Determine that the private alternative education program complies with the requirements of subsection (2) of this section and ORS 336.625 (3)(c).

(2) The following laws apply to private alternative education programs that are registered with the Department of Education under ORS 336.635 in the same manner as the laws apply to school districts and public schools:

(a) Federal law;

(b) ORS 181.534, 326.603, 326.607[,], **and** 342.223 *[and 342.232]* (criminal records checks);

(c) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);

(d) ORS 659.850, 659.855 and 659.860 (discrimination);

(e) ORS 339.122 (advertisement requirements);

(f) Health and safety statutes and rules; and

(g) Any statute, rule or school district policy that is specified in a contract between the school district board and the private alternative education program.



(3) Prior to placement of a student in a private alternative education program, the resident district shall determine whether the proposed placement best serves the student's educational needs and interests and assists the student in achieving the district and state academic standards.

(4) Contracts between a school district and a private alternative education program shall be included in the assessment of effectiveness provided for in ORS 329.085.

**SECTION 46.** ORS 336.631, as amended by section 6, chapter 839, Oregon Laws 2007, is amended to read:

336.631. (1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:

(a) Annually approve the private alternative education program;

(b) Determine that the private alternative education program is registered with the Department of Education; and

(c) Determine that the private alternative education program complies with the requirements of subsection (2) of this section and ORS 336.625 (3)(c).

(2) The following laws apply to private alternative education programs that are registered with the Department of Education under ORS 336.635 in the same manner as the laws apply to school districts and public schools:

(a) Federal law;

(b) ORS 181.534, 326.603, 326.607[,] **and** 342.223 [*and* 342.232] (criminal records checks);

(c) ORS 329.496 (physical education);

(d) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);

(e) ORS 659.850, 659.855 and 659.860 (discrimination);

(f) ORS 339.122 (advertisement requirements);

(g) Health and safety statutes and rules; and

(h) Any statute, rule or school district policy that is specified in a contract between the school district board and the private alternative education program.

(3) Prior to placement of a student in a private alternative education program, the resident district shall determine whether the proposed placement best serves the student's educational needs and interests and assists the student in achieving the district and state academic standards.

(4) Contracts between a school district and a private alternative education program shall be included in the assessment of effectiveness provided for in ORS 329.085.

**SECTION 47.** ORS 338.115 is amended to read:

338.115. (1) Statutes and rules that apply only to school district boards, school districts or other public schools do not apply to public charter schools. However, the following laws do apply to public charter schools:

(a) Federal law;

(b) ORS 30.260 to 30.300 (tort claims);

(c) ORS 192.410 to 192.505 (public records law);

(d) ORS 192.610 to 192.690 (public meetings law);

(e) ORS chapters 279A, 279B and 279C (Public Contracting Code);

(f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);

(g) ORS 326.565, 326.575 and 326.580 (student records);

(h) ORS 181.534, 326.603, 326.607[,] **and** 342.223 [*and* 342.232] (criminal records checks);

(i) ORS 329.045 (academic content standards and instruction);

(j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative certificate);

(k) The statewide assessment system developed by the Department of Education for mathematics, science and English under ORS 329.485 (2);

(l) ORS 337.150 (textbooks);

(m) ORS 339.119 (consideration for educational services);

(n) ORS 339.141, 339.147 and 339.155 (tuition and fees);

(o) ORS 339.250 (9) (prohibition on infliction of corporal punishment);

- (p) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- (q) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training on prevention and identification of abuse and sexual conduct);
- (r) ORS chapter 657 (Employment Department Law);
- (s) ORS 659.850, 659.855 and 659.860 (discrimination);
- (t) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;
- (u) Statutes and rules that expressly apply to public charter schools;
- (v) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a public body, as defined in ORS 174.109;
- (w) Health and safety statutes and rules;
- (x) Any statute or rule that is listed in the charter;
- (y) ORS 336.840 (use of personal electronic devices); and
- (z) This chapter.

(2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply only to school district boards, school districts and other public schools may apply to a public charter school.

(3) If a statute or rule applies to a public charter school, then the terms “school district” and “public school” include public charter school as those terms are used in that statute or rule.

(4) A public charter school may not violate the Establishment Clause of the First Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion based.

(5)(a) A public charter school shall maintain an active enrollment of at least 25 students.

(b) For a public charter school that provides educational services under a cooperative agreement described in ORS 338.080, the public charter school is in compliance with the requirements of this subsection if the public charter school provides educational services under the cooperative agreement to at least 25 students, without regard to the school districts in which the students are residents.

(6) A public charter school may sue or be sued as a separate legal entity.

(7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.

(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, public university listed in ORS 352.002, other governmental unit or any person or legal entity.

(9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.

(10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.

(11) The school district in which the public charter school is located shall offer a high school diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter school student who meets the district’s and state’s standards for a high school diploma, a modified diploma, an extended diploma or an alternative certificate.

(12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a nonchartered public school.

(13) Prior to beginning operation, the public charter school shall show proof of insurance to the sponsor as specified in the charter.

(14) A public charter school may receive services from an education service district in the same manner as a nonchartered public school in the school district in which the public charter school is located.

**SECTION 48.** ORS 338.115, as amended by section 7, chapter 839, Oregon Laws 2007, and section 12, chapter 50, Oregon Laws 2008, is amended to read:

338.115. (1) Statutes and rules that apply only to school district boards, school districts or other public schools do not apply to public charter schools. However, the following laws do apply to public charter schools:

- (a) Federal law;
- (b) ORS 30.260 to 30.300 (tort claims);
- (c) ORS 192.410 to 192.505 (public records law);
- (d) ORS 192.610 to 192.690 (public meetings law);
- (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
- (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- (g) ORS 326.565, 326.575 and 326.580 (student records);
- (h) ORS 181.534, 326.603, 326.607[,] **and** 342.223 [*and 342.232*] (criminal records checks);
- (i) ORS 329.045 (academic content standards and instruction);
- (j) ORS 329.451 (high school diploma, modified diploma, extended diploma and alternative certificate);
- (k) ORS 329.496 (physical education);
- (L) The statewide assessment system developed by the Department of Education for mathematics, science and English under ORS 329.485 (2);
- (m) ORS 337.150 (textbooks);
- (n) ORS 339.119 (consideration for educational services);
- (o) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- (p) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- (q) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- (r) ORS 339.370, 339.372, 339.388 and 339.400 (reporting of abuse and sexual conduct and training on prevention and identification of abuse and sexual conduct);
- (s) ORS chapter 657 (Employment Department Law);
- (t) ORS 659.850, 659.855 and 659.860 (discrimination);
- (u) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year;
- (v) Statutes and rules that expressly apply to public charter schools;
- (w) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a public body, as defined in ORS 174.109;
- (x) Health and safety statutes and rules;
- (y) Any statute or rule that is listed in the charter;
- (z) ORS 336.840 (use of personal electronic devices); and
- (aa) This chapter.

(2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply only to school district boards, school districts and other public schools may apply to a public charter school.

(3) If a statute or rule applies to a public charter school, then the terms “school district” and “public school” include public charter school as those terms are used in that statute or rule.

(4) A public charter school may not violate the Establishment Clause of the First Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion based.

(5)(a) A public charter school shall maintain an active enrollment of at least 25 students.

(b) For a public charter school that provides educational services under a cooperative agreement described in ORS 338.080, the public charter school is in compliance with the requirements of this subsection if the public charter school provides educational services under the cooperative

agreement to at least 25 students, without regard to the school districts in which the students are residents.

(6) A public charter school may sue or be sued as a separate legal entity.

(7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.

(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, public university listed in ORS 352.002, other governmental unit or any person or legal entity.

(9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.

(10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.

(11) The school district in which the public charter school is located shall offer a high school diploma, a modified diploma, an extended diploma or an alternative certificate to any public charter school student who meets the district's and state's standards for a high school diploma, a modified diploma, an extended diploma or an alternative certificate.

(12) A high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, a modified diploma, an extended diploma or an alternative certificate issued by a nonchartered public school.

(13) Prior to beginning operation, the public charter school shall show proof of insurance to the sponsor as specified in the charter.

(14) A public charter school may receive services from an education service district in the same manner as a nonchartered public school in the school district in which the public charter school is located.

**SECTION 49.** ORS 338.135 is amended to read:

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

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

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

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

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

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

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

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

(3) The school district board of the school district within which the public charter school is located shall grant a leave of absence to any employee who chooses to work in the public charter

school. The length and terms of the leave of absence shall be set by negotiated agreement or by board policy. However, the length of the leave of absence may not be less than two years unless:

(a) The charter of the public charter school is terminated or the public charter school is dissolved or closed during the leave of absence; or

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

(4) An employee of a public charter school operating within a school district who is granted a leave of absence from the school district and returns to employment with the school district shall retain seniority and benefits as an employee pursuant to the terms of the leave of absence. Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of a public charter school not operating within the school district may make provisions for the return of the employee to employment with the school district.

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

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

(7)(a) Any person employed as an administrator in a public charter school shall be licensed or registered to administer by the Teacher Standards and Practices Commission.

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

(c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by the commission pursuant to ORS **342.125 (2)(c) or (3)(f) or (g)**, 342.135, 342.136[,] **or** 342.138 [*or 342.140*].

(8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member of a labor organization or organize with other employees to bargain collectively. Bargaining units at the public charter school may be separate from other bargaining units of the sponsor or of the school district in which the public charter school is located. Employees of a public charter school may be part of the bargaining units of the sponsor or of the school district in which the public charter school is located.

(9) An entity described in ORS 338.005 (5) may not waive the right to sponsor a public charter school in a collective bargaining agreement.

**SECTION 50.** ORS 338.135, as amended by section 7, chapter 327, Oregon Laws 2013, is amended to read:

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

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

(b) If a virtual public charter school or the sponsor of a virtual public charter school contracts with a for-profit entity to provide educational services through the virtual public charter school, the for-profit entity may not be the employer of any employees of the virtual public charter school.

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

(a) The charter of the public charter school is terminated or the public charter school is dissolved or closed during the leave of absence; or

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

(4) An employee of a public charter school operating within a school district who is granted a leave of absence from the school district and returns to employment with the school district shall retain seniority and benefits as an employee pursuant to the terms of the leave of absence. Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of a public charter school not operating within the school district may make provisions for the return of the employee to employment with the school district.

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

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

(7)(a) Any person employed as an administrator in a public charter school shall be licensed or registered to administer by the Teacher Standards and Practices Commission.

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

(c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by the commission pursuant to ORS **342.125 (2)(c) or (3)(f) or (g)**, 342.135, 342.136[,] **or** 342.138 [or 342.140].

(8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member of a labor organization or organize with other employees to bargain collectively. Bargaining units at the public charter school may be separate from other bargaining units of the sponsor or of the school district in which the public charter school is located. Employees of a public charter school may be part of the bargaining units of the sponsor or of the school district in which the public charter school is located.

(9) An entity described in ORS 338.005 (5) may not waive the right to sponsor a public charter school in a collective bargaining agreement.

**SECTION 51.** ORS 351.115 is amended to read:

351.115. The Oregon University System shall offer a diversity of [*teacher education*] **educator preparation** programs, inclusive of four-year and five-year options for completion of the programs. Both of these options shall qualify for teacher licensing of persons completing the programs.

**SECTION 52.** ORS 681.375 is amended to read:

681.375. The State Board of Examiners for Speech-Language Pathology and Audiology shall adopt rules to define the role of speech-language pathology assistants, including but not limited to:

(1) The responsibilities of speech-language pathologists for the supervision and instruction of speech-language pathology assistants, including the frequency, duration and documentation of direct, on-site supervision and the quantity and content of instruction.

(2) The ratio of speech-language pathology assistants to speech-language pathologists.

(3) The scope of duties and restrictions on responsibilities of speech-language pathology assistants.

(4) The qualifications that must be met before a speech-language pathology assistant may be certified.

(5) Clarification of the differences between the scope of duties of speech-language pathology assistants and of [*educational*] **instructional** assistants as described in ORS 681.360 (5).

**SECTION 53.** Section 1, chapter 98, Oregon Laws 2014, is amended to read:

**Sec. 1.** (1) The Department of Education shall make grants to improve student achievement in schools that:

(a) Are considered high poverty under Title I of the federal Elementary and Secondary Education Act of 1965;

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

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

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

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

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

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

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

**SECTION 54.** ORS 342.140, 342.156, 342.167, 342.190, 342.197, 342.227 and 342.232 are repealed.

**SECTION 55.** (1) Any reference in Oregon statutory law to "teacher education institution" shall be considered a reference to "educator preparation provider."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating "teacher education institution," wherever they occur in statutory law, other words designating "educator preparation provider."

**SECTION 56.** (1) Any reference in Oregon statutory law to "teacher education program" shall be considered a reference to "educator preparation program."

(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel may substitute for words designating "teacher education program," wherever they occur in statutory law, other words designating "educator preparation program."

Passed by House April 23, 2015

Received by Governor:

Repassed by House May 26, 2015

.....M.,....., 2015

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2015

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate May 20, 2015

Filed in Office of Secretary of State:

.....M.,....., 2015

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Peter Courtney, President of Senate

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Jeanne P. Atkins, Secretary of State