

A-Engrossed House Bill 4030

Ordered by the House February 14
Including House Amendments dated February 14

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs Department of Education to conduct study on recruiting and retaining educators.]
[Sunsets December 31, 2023.]

Prohibits Department of Education from requiring fingerprints of certain persons when department determines emergency exists.

Directs Teacher Standards and Practices Commission to conduct review of commission's license reciprocity process and to identify changes that will simplify process. Requires commission to report findings to interim committee of Legislative Assembly related to education. Sunsets January 2, 2023.

Directs commission to adopt rules that provide for reduction or suspension of professional development requirements that are needed to renew license, registration or certification at any time from January 1, 2022, until December 31, 2023.

Directs department and commission to jointly review application process for persons seeking jobs in education and to evaluate options for establishing and maintaining statewide portal. Requires department and commission to jointly report findings to interim committee of Legislative Assembly related to education. Sunsets January 2, 2024.

Directs State Board of Education to adopt rules for distributing grants for purposes of recruiting and retaining personnel in education. Limits biennial expenditures made from American Rescue Plan Act Coronavirus State Fiscal Recovery Fund for grants. Sunsets January 2, 2024.

Directs board to adopt rules for providing reimbursements to substitute teachers and instructional assistants for costs personally incurred for required training. Limits biennial expenditures made from American Rescue Plan Act Coronavirus State Fiscal Recovery Fund for reimbursements. Sunsets January 2, 2024.

Directs board to suspend certain reporting requirements for school districts and education service districts. Sunsets June 30, 2023.

Directs commission to employ at least one individual for purpose of assisting persons in becoming licensed or registered educators.

Directs commission, in partnership with University of Oregon, to establish workforce data system for purpose of gathering data on needs of education workforce serving students in kindergarten through grade 12. Limits biennial expenditures made from American Rescue Plan Act Coronavirus State Fiscal Recovery Fund for data system. Sunsets January 2, 2024.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to educators; creating new provisions; amending ORS 326.603 and 342.125; and declaring
3 an emergency.

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

BACKGROUND CHECKS

7
8 **SECTION 1.** ORS 326.603 is amended to read:

9 326.603. (1) For the purposes of requesting a state or nationwide criminal records check under
10 ORS 181A.195, the Department of Education may require the fingerprints of:

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) A school district or private school contractor, whether part-time or full-time, or an employee
2 of a contractor, whether part-time or full-time, who has direct, unsupervised contact with students
3 as determined by the district or private school.

4 (b) A person newly hired, whether part-time or full-time, by a school district or private school
5 in a capacity not described in ORS 342.223 (1).

6 (c) A person who is a community college faculty member providing instruction:

7 (A) At the site of an early childhood education program or at a school site as part of an early
8 childhood education program; or

9 (B) At a kindergarten through grade 12 school site during the regular school day.

10 (d) A person who is an employee of a public charter school.

11 (2)(a) A school district shall send to the Department of Education for purposes of a criminal
12 records check any information, including fingerprints, for each person described in subsection (1)
13 of this section.

14 (b) A private school may send to the Department of Education for purposes of a criminal records
15 check any information, including fingerprints, for each person described in subsection (1)(a), (b) or
16 (c) of this section.

17 (3) The Department of Education shall request that the Department of State Police conduct a
18 criminal records check as provided in ORS 181A.195 and may charge the school district or private
19 school a fee as established by rule under ORS 181A.195. The school district or private school may
20 recover its costs or a portion thereof from the person described in subsection (1) of this section. If
21 the person described in subsection (1)(b) or (d) of this section requests, the school district shall and
22 a private school may withhold the amount from amounts otherwise due the person, including a pe-
23 riodic payroll deduction rather than a lump sum payment.

24 (4) Notwithstanding subsection (1) of this section, the Department of Education may not require
25 fingerprints of a person described in subsection (1) of this section if:

26 (a) The person or the person's employer was checked in one school district or private school
27 and is currently seeking to work in another district or private school unless the person lived outside
28 this state during the interval between the two periods of time of working in the district or private
29 school[.]; or

30 (b) **The department determines that an emergency exists and that the person:**

31 (A) **Submitted to a criminal records check for the person's immediately previous em-**
32 **ployer, the employer is a school district or private school and the person has not lived out-**
33 **side this state between the two periods of employment;**

34 (B) **Submitted to a criminal records check conducted by the Teacher Standards and**
35 **Practices Commission within the previous three years;**

36 (C) **Remained continuously licensed or registered with the commission; or**

37 (D) **Had a license or registration with the commission that lapsed within the previous**
38 **three years.**

39 (5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this
40 section to submit to fingerprinting until the person has been offered employment or a contract by
41 a school district or private school. Contractor employees may not be required to submit to finger-
42 printing until the contractor has been offered a contract.

43 (6) If a person described in subsection (1) of this section states on a criminal history form pro-
44 vided by the Department of Education that the person has not been convicted of a crime but the
45 criminal records check indicates that the person has a conviction, the department shall determine

1 whether the person knowingly made a false statement as to the conviction. The department shall
2 develop a process and criteria to use for appeals of a determination under this subsection.

3 (7)(a) The Superintendent of Public Instruction shall inform a school district or private school
4 if a person described in subsection (1) of this section has been convicted of a crime listed in ORS
5 342.143 (3) or has knowingly made a false statement on a criminal history form provided by the
6 Department of Education as to the conviction of any crime.

7 (b) If a person described in subsection (1) of this section has been convicted of a crime listed in
8 ORS 342.143 (3), a school district may not employ or contract with the person and a private school
9 may choose not to employ or contract with the person. Notification by the superintendent that the
10 school district may not employ or contract with the person shall remove the person from any school
11 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
12 provisions of ORS 342.805 to 342.937.

13 (c) If a person described in subsection (1) of this section has knowingly made a false statement
14 on a criminal history form provided by the Department of Education as to the conviction of a crime
15 not listed in ORS 342.143 (3), a school district or private school may choose to employ or contract
16 with the person.

17 (8) If a person described in subsection (1) of this section refuses to consent to the criminal re-
18 cords check or refuses to be fingerprinted, the school district shall terminate the employment or
19 contract status of the person. Termination under this subsection removes the person from any school
20 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
21 provisions of ORS 342.805 to 342.937.

22 (9) A school district may not hire or continue to employ or contract with or allow the contractor
23 to continue to assign a person to the school project if the person described in subsection (1) of this
24 section has been convicted of a crime according to the provisions of ORS 342.143.

25 (10) As used in this section and ORS 326.607:

26 (a) "Private school" means a school that:

27 (A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combina-
28 tion of those grade levels; and

29 (B) Provides instructional programs that are not limited solely to dancing, drama, music, reli-
30 gious or athletic instruction.

31 (b) "School district" means:

32 (A) A school district as defined in ORS 330.003.

33 (B) The Oregon School for the Deaf.

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

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

36 (E) An education service district.

37 38 **EDUCATOR LICENSE RECIPROCITY**

39 40 **SECTION 2. (1) The Teacher Standards and Practices Commission shall:**

41 **(a) Conduct a review of the commission's process for licensing educators from other**
42 **states;**

43 **(b) Identify and implement any changes to the process reviewed under paragraph (a) of**
44 **this subsection that will simplify the process and encourage educators from other states to**
45 **become licensed in Oregon; and**

1 (c) Identify any necessary statutory changes that would enable or encourage out-of-state
2 educators to become licensed in Oregon.

3 (2) The commission shall report the commission's findings under subsection (1) of this
4 section to an interim committee of the Legislative Assembly related to education no later
5 than September 1, 2022.

6 SECTION 3. Section 2 of this 2022 Act is repealed on January 2, 2023.

7
8 **EDUCATOR PROFESSIONAL DEVELOPMENT**

9
10 SECTION 4. (1) The Teacher Standards and Practices Commission shall adopt rules that
11 provide for the reduction or suspension of professional development requirements that a
12 person must complete before the person may renew a license, registration or certification
13 issued by the commission.

14 (2) The rules adopted under subsection (1) of this section must apply to professional de-
15 velopment requirements needed to renew a license, registration or certification at any time
16 from January 1, 2022, until December 31, 2023.

17
18 **STATEWIDE PORTAL FOR JOBS IN EDUCATION**

19
20 SECTION 5. (1) The Department of Education and the Teacher Standards and Practices
21 Commission shall jointly:

22 (a) Review the application process for persons seeking jobs in education in this state,
23 including licensed and classified staff; and

24 (b) Evaluate options for establishing and maintaining a statewide portal that provides:

25 (A) A single location for the posting of jobs in education in this state;

26 (B) A common background check to be used by education employers; and

27 (C) The option for persons to submit a common application for jobs in education in this
28 state.

29 (2) For the purpose of subsection (1) of this section, the department and commission shall
30 consult with school districts and education service districts.

31 (3) The department and commission shall jointly report the department's and
32 commission's findings under subsection (1) of this section to an interim committee of the
33 Legislative Assembly related to education no later than September 1, 2023.

34 SECTION 6. Section 5 of this 2022 Act is repealed on January 2, 2024.

35
36 **RECRUITMENT AND RETENTION GRANTS**

37
38 SECTION 7. (1) The State Board of Education shall adopt by rule requirements by which
39 the Department of Education shall distribute grants for the purposes of recruiting and re-
40 taining personnel in education, with a priority on personnel in high-need specialties and in-
41 cluding personnel who are licensed or classified.

42 (2) The rules adopted under this section shall provide that:

43 (a) Grants may be distributed to a school district, an education service district or an
44 education personnel membership organization;

45 (b) A school district, an education service district or an education personnel membership

1 organization may use grant moneys to make direct payments to personnel for the purpose
2 of recruiting or retaining the personnel; and

3 (c) An application for a grant submitted by a school district or an education service dis-
4 trict must demonstrate significant participation by school district or education service dis-
5 trict personnel in developing the application.

6 (3) To the greatest extent practicable, the rules adopted under this section shall take into
7 consideration and build on efforts for recruitment and retention made with other funding
8 sources.

9 SECTION 8. Notwithstanding any other law limiting expenditures, the amount of \$_____
10 is established for the biennium ending June 30, 2023, as the maximum limit for payment of
11 expenses by the Department of Education from the American Rescue Plan Act Coronavirus
12 State Fiscal Recovery Fund moneys received by the Oregon Department of Administrative
13 Services and transferred to the Department of Education to be used as provided by section
14 7 of this 2022 Act.

15 SECTION 9. Section 7 of this 2022 Act is repealed on January 2, 2024.

16
17 **REIMBURSEMENT OF REQUIRED TRAINING COSTS INCURRED**
18 **BY SUBSTITUTE TEACHERS AND INSTRUCTIONAL ASSISTANTS**
19

20 SECTION 10. The State Board of Education shall adopt by rule requirements by which
21 the Department of Education shall provide reimbursements to substitute teachers and to
22 instructional assistants for costs personally incurred by the teachers and assistants for re-
23 quired training. The rules may allow for reimbursements to be made from the department:

24 (1) Directly to the substitute teachers and instructional assistants; or

25 (2) To a school district or education service district for distribution to the substitute
26 teachers and instructional assistants, but in no event may a district retain any moneys dis-
27 tributed under this section.

28 SECTION 11. Notwithstanding any other law limiting expenditures, the amount of
29 \$_____ is established for the biennium ending June 30, 2023, as the maximum limit for
30 payment of expenses by the Department of Education from the American Rescue Plan Act
31 Coronavirus State Fiscal Recovery Fund moneys received by the Oregon Department of Ad-
32 ministrative Services and transferred to the Department of Education to be used as provided
33 by section 10 of this 2022 Act.

34 SECTION 12. Section 10 of this 2022 Act is repealed on January 2, 2024.

35
36 **NONESSENTIAL REPORTING REQUIREMENTS**
37

38 SECTION 13. Notwithstanding any provision of law, the State Board of Education shall
39 suspend for school districts and education service districts any reporting requirements that:

40 (1) Are not required by federal law; and

41 (2) Are not essential, as determined by the board.

42 SECTION 14. Section 13 of this 2022 Act is repealed on June 30, 2023.

43
44 **LICENSING OR REGISTRATION ASSISTANCE**
45

1 **SECTION 15.** ORS 342.125 is amended to read:

2 342.125. (1) Teaching licenses shall be issued and renewed by the Teacher Standards and Prac-
3 tices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and the
4 rules of the commission.

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

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

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

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

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

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

20 (a) Preliminary teaching license.

21 (b) Professional teaching license.

22 (c) Distinguished teacher leader license.

23 (d) Preliminary personnel service license.

24 (e) Professional personnel service license.

25 (f) Preliminary administrative license.

26 (g) Professional administrative license.

27 (h) Reciprocal license.

28 (i) Legacy license.

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

33 (5)(a) The Teacher Standards and Practices Commission shall establish a public charter school
34 teacher and administrator registry. The commission shall require the applicant and the public
35 charter school to jointly submit an application requesting registration as a public charter school
36 teacher or administrator. The application shall include:

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

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

40 (C) Documentation as required by the commission for the purposes of conducting a criminal re-
41 cords check as provided in ORS 181A.195 and a background check through an interstate clearing-
42 house of revoked and suspended licenses.

43 (b) Subject to the results of the criminal records check and background check and to informa-
44 tion received under ORS 342.143 (2), the commission shall approve the application for registration.
45 The commission may deny a request for registration only on the basis of the criminal records check,

1 the background check through an interstate clearinghouse of revoked and suspended licenses or the
2 information received under ORS 342.143 (2). The registration is valid for a term established by the
3 commission and, subject to information received under ORS 342.143 (2), may be renewed upon joint
4 application from the teacher or administrator and the public charter school.

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

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

11 (6)(a) The Teacher Standards and Practices Commission shall adopt an expedited process for the
12 issuance of any license established pursuant to this section. The expedited process may require the
13 following:

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

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

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

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

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

20 (b) Except as provided by paragraph (c) of this subsection, the commission shall issue a license
21 as provided by this subsection within two working days after receiving a completed application.

22 (c) The commission may limit the number of applications the commission will accept under this
23 subsection from a school district or an education service district to not more than 100 applications
24 in a period of two working days.

25 (d) For purposes of this subsection, the commission may not distinguish between a school district
26 or an education service district involved in a labor dispute and any other school district or educa-
27 tion service district.

28 **(7) The Teacher Standards and Practices Commission shall employ at least one individual**
29 **for the purpose of assisting persons in becoming licensed or registered by the commission.**

30
31 **EDUCATION WORKFORCE DATA SYSTEM**

32
33 **SECTION 16. The Teacher Standards and Practices Commission, in partnership with the**
34 **University of Oregon, shall establish a workforce data system for the purpose of gathering**
35 **data on the needs of the education workforce serving students in kindergarten through grade**
36 **12.**

37 **SECTION 17. Notwithstanding any other law limiting expenditures, the amount of**
38 **\$_____ is established for the biennium ending June 30, 2023, as the maximum limit for**
39 **payment of expenses by the Teacher Standards and Practices Commission from the Ameri-**
40 **can Rescue Plan Act Coronavirus State Fiscal Recovery Fund moneys received by the Oregon**
41 **Department of Administrative Services and transferred to the Teacher Standards and Prac-**
42 **tices Commission to be used as provided by section 16 of this 2022 Act.**

43 **SECTION 18. Section 16 of this 2022 Act is repealed on January 2, 2024.**

44
45 **CAPTIONS**

