

Chapter 342

2017 EDITION

Teachers and Other School Personnel

GENERAL PROVISIONS	
342.120	Definitions for chapter
LICENSING AND REGISTRATION OF TEACHERS AND ADMINISTRATORS	
(Generally)	
342.121	Teacher and administrator licensing; certification
342.122	National Board Certification Fund; rules
Note	Report on teachers with national board certification--2017 c.662 §4
342.123	Knowledge of civil rights laws and ethical standards required; exception
342.125	Types of licenses; charter school teacher and administrator registry; rules
Note	Pilot program on alternative authorization requirements for teachers of non-core courses; rules--2015 c.738 §§1,2
342.127	Fees
342.130	Certain existing certificates and licenses not invalidated
342.136	Preliminary teaching license, personnel service license and administrative license; renewal
342.137	Distinguished teacher leader license; renewal; rules
342.138	Professional teaching license, professional personnel service license and professional administrative license; renewal; rules
342.143	Issuance of licenses and registrations
342.144	American Indian languages teaching license; renewal
342.147	Approval of educator preparation providers and educator preparation programs; rules
Note	Implementation of standards and rules related to reading--2017 c.317 §§3,4
Note	Teacher Education Program Accreditation Account--2015 c.756 §§4,5
342.153	Proficiency in Braille required for teaching license to provide education to blind students
342.165	Commission rules
342.173	Effect of employing certain persons; sanctions; rules
(Discipline)	
342.175	Grounds for discipline; reinstatement
342.176	Complaint process; preliminary investigation; materials confidential; notice
342.177	Hearing and decision on charges; notice
342.180	Appeal
342.183	Letters of informal reproof
(Miscellaneous)	
342.192	Licensing requirements for out-of-state applicants; rules
342.195	Teaching licenses based on experience in certain federal programs; rules
342.200	Administrative licenses based on professional skills and experience
342.202	Administrator comprehensive leadership development system
342.203	Publication of list of teachers, administrators and teacher candidates subjected to discipline
342.208	Model career pathways for instructional assistants to become licensed teachers
342.223	Criminal records check; effect of making false statement; appeal
TEACHER STANDARDS AND PRACTICES COMMISSION	
342.350	Commission established; confirmation; term; vacancy; effect of change in circumstances
342.360	Members; qualifications
342.380	Organization
342.390	Meetings; expenses
342.410	Executive director; employees
342.420	Member's salary; reimbursement to district
342.425	Annual report on duties, powers and functions of commission
342.430	Teacher Standards and Practices Commission Account; use
EDUCATORS EQUITY ACT	
342.433	Definitions for ORS 342.433 to 342.449
342.437	Goal
342.443	Reports of longitudinal data
342.447	Plans for recruitment, admission, retention and graduation of diverse educators
342.448	Reports related to implementation of Educators Equity Act
342.449	Short title
SCHOOL NURSES	
342.455	Definition of "school nurse"
342.465	Rules; notice if action taken on license
342.475	School nurses; certificates
342.485	Commission to consult with and advise Oregon State Board of Nursing on school nursing
342.495	Holder of school nurse certificate qualified to conduct and coordinate health services program
CONTRACTS OF TEACHERS AND ADMINISTRATORS	
342.513	Renewal or nonrenewal of contracts for following year
342.521	Contracts with teachers for return of part of salary prohibited
342.545	Termination of teacher's contract; release
342.549	Administrator contracts; benefits after termination

EDUCATION AND CULTURE

342.553	Discipline for resigning without providing required notice	342.850	Teacher evaluation; personnel file content; rules
TERMS AND CONDITIONS OF EMPLOYMENT OF SCHOOL PERSONNEL			
342.608	Working hours for licensed personnel; duty-free lunch period required; exception	342.856	Core teaching standards
342.610	Minimum salary for substitute teachers	342.865	Grounds for dismissal or contract nonextension of contract teacher
342.664	Required ratio of pupils to staff holders of first aid cards; waiver; rules	342.875	Suspension; reinstatement
SEXUAL HARASSMENT			
342.700	Policy on sexual harassment; posting and availability of policy	342.895	Contract teachers; procedure for dismissal or contract nonextension; appeal
342.704	Adoption of school district policies on sexual harassment required; contents; rules	342.905	Appeal procedure; arbitration as alternative
342.708	ORS 342.700 and 342.704 not limitation on or prerequisite for other rights and remedies	342.910	Waiver of contract grievance claim if appeal of dismissal decision filed; waiver of certain rights and procedures
STEROIDS AND PERFORMANCE-ENHANCING SUBSTANCES			
342.721	Definitions for ORS 342.723 and 342.726	342.930	Fair Dismissal Appeals Board; rules
342.723	Prohibitions on school district employees	342.934	Procedure for reduction of teacher staff due to funding or administrative decision
342.726	Curricula to include information on steroids and performance-enhancing substances; training of school employees	342.937	Reimbursement for teacher dismissal costs
ACCOUNTABILITY FOR SCHOOLS FOR THE 21ST CENTURY LAW			
342.805	Short title	EDUCATOR ADVANCEMENT COUNCIL	
342.815	Definitions for ORS 342.805 to 342.937	342.940	Educator Advancement Council; members; duties; rules
342.835	Probationary teacher	342.943	System of educator networks; eligibility; duties
342.840	Determination of length of service for probationary teacher	NETWORK OF QUALITY TEACHING AND LEARNING	
342.845	Contract teacher; part-time contract teacher; effect of program transfer; administrator contracts	342.950	Network of Quality Teaching and Learning; rules
		342.953	Network of Quality Teaching and Learning Fund
		MISCELLANEOUS	
		342.961	Internal investigations of employee misconduct or wrongdoing
		342.965	Interchange of teachers
		342.971	Educator Preparation Improvement Fund

- 342.005** [Amended by 1955 c.518 §1; repealed by 1961 c.439 §13]
- 342.007** [1953 c.85 §1; repealed by 1965 c.100 §456]
- 342.010** [Repealed by 1965 c.100 §456]
- 342.015** [Repealed by 1961 c.439 §13]
- 342.017** [1991 c.693 §16; 1993 c.45 §148; renumbered 329.753 in 1993]
- 342.020** [Repealed by 1961 c.439 §13]
- 342.025** [Repealed by 1961 c.439 §13]
- 342.030** [Repealed by 1961 c.439 §13]
- 342.035** [Repealed by 1961 c.439 §13]
- 342.040** [Repealed by 1961 c.439 §13]
- 342.045** [Repealed by 1961 c.439 §13]
- 342.050** [Amended by 1955 c.518 §2; repealed by 1961 c.439 §13]
- 342.055** [Repealed by 1963 c.544 §52]
- 342.060** [Amended by 1957 c.638 §1; repealed by 1965 c.100 §456]
- 342.065** [Amended by 1955 c.101 §1; renumbered 342.602]
- 342.070** [Amended by 1957 c.638 §2; 1961 c.677 §1; renumbered 342.175]
- 342.075** [Amended by 1961 c.677 §2; renumbered 342.180]
- 342.080** [Repealed by 1961 c.439 §13]
- 342.085** [Amended by 1955 c.214 §1; repealed by 1965 c.100 §456]
- 342.090** [Repealed by 1965 c.100 §456]
- 342.095** [Repealed by 1965 c.100 §456 and 1965 c.550 §6]
- 342.100** [Repealed by 1965 c.100 §456 and 1965 c.550 §6]
- 342.105** [Repealed by 1961 c.439 §13]
- 342.110** [Amended by 1961 c.707 §1; repealed by 1961 c.439 §13]
- 342.115** [Repealed by 1961 c.439 §13]

GENERAL PROVISIONS

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

- (1) “Administrator” includes but is not limited to all superintendents, assistant superintendents, principals and academic program directors in 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)(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 edu-

cators for preprimary programs through grade 12.

(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) “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 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.

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

(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. [1961 c.439 §1; 1965 c.100 §348; 1965 c.550 §1; 1973 c.270 §2; 1975 c.278 §1; 1981 c.393 §1; 1981 c.469 §5; 1989 c.125 §1; 1993 c.45 §149; 2001 c.653 §4; 2007 c.70 §100; 2011 c.609 §4; 2015 c.647 §§6,36]

LICENSING AND REGISTRATION OF TEACHERS AND ADMINISTRATORS (Generally)

342.121 Teacher and administrator licensing; certification. (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 this state.

(2) 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. [1991 c.662 §11; 1993 c.45 §151; 2011 c.609 §5; 2011 c.705 §27; 2015 c.245 §2]

Note: 342.121 was added to and made a part of 342.120 to 342.430 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

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

(2) The National Board Certification Fund shall include any state or federal moneys made available to the fund, including moneys appropriated by the Legislative Assembly and federal moneys made available to improve teacher quality through professional development. 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 fund.

(3) Moneys credited to the National Board Certification Fund are continuously appropriated to the commission for the purposes set forth in subsections (4) and (5) of this section. The commission may draw checks or orders upon the State Treasurer in making disbursements from the fund for the purposes stated in this subsection.

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

(5) The Teacher Standards and Practices Commission may disburse moneys from the National Board Certification Fund to applicants for assistance with the direct costs of seeking and obtaining national board certification, including reimbursement for the costs of each of the components necessary for certification and reimbursement for costs related to participating in a cohort for certification. The commission may retain no more than 10 percent of all moneys received under this section during a biennium from state

and federal sources for the purpose of paying administrative expenses incurred by the commission under this subsection.

(6) The Teacher Standards and Practices Commission shall adopt rules that govern the disbursement of moneys from the National Board Certification Fund consistent with this section. [2001 c.381 §2; 2011 c.609 §6; 2017 c.662 §1]

Note: The amendments to 342.122 by section 1, chapter 662, Oregon Laws 2017, become operative July 1, 2018. See section 2, chapter 662, Oregon Laws 2017. The text that is operative until July 1, 2018, is set forth for the user's convenience.

342.122. (1) There is created the National Board Certification Fund, separate and distinct from the General Fund. Interest earned on moneys in the National Board Certification 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 National Board Certification Fund.

(3) Moneys credited to the National Board Certification Fund are continuously appropriated to the commission for the purposes set forth in subsections (4) and (5) of this section. The commission may draw checks or orders upon the State Treasurer in making disbursements from the fund for the purposes stated in this subsection.

(4) Moneys in the National Board Certification Fund shall be used to encourage public school teachers and administrators in this state to apply for and attain certification through the National Board for Professional Teaching Standards or any other national professional organization for teaching standards designated by the Teacher Standards and Practices Commission.

(5) The Teacher Standards and Practices Commission may disburse moneys from the National Board Certification Fund to applicants for assistance with the direct costs of seeking and obtaining national board certification. The commission shall manage the fund in a manner that provides support, but does not pay for all the costs of any one application. Additionally, the commission shall manage the fund to provide continuous support to as many applicants as possible.

(6) The Teacher Standards and Practices Commission shall adopt rules that govern the disbursement of moneys from the National Board Certification Fund consistent with this section.

Note: 342.122 was added to and made a part of 342.120 to 342.430 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

Note: Section 4, chapter 662, Oregon Laws 2017, provides:

Sec. 4. Report on teachers with national board certification. No later than April 1, 2020, the Teacher Standards and Practices Commission shall submit a report to the legislative committees of the Legislative Assembly related to education. The report must:

(1) Summarize the effects on the educational outcomes of this state as a result of the increased number of teachers who hold national board certification;

(2) Summarize any annual increases in the number of teachers who hold national board certification in this state; and

(3) Identify the level of funding necessary to increase the number of teachers who hold national board certification in this state to 10 percent of all public school teachers. [2017 c.662 §4]

342.123 Knowledge of civil rights laws and ethical standards required; exception.

(1) In addition to and not in lieu of any other law or rule or standard established by the Teacher Standards and Practices Commission, the commission shall require an applicant for a first-time license or registration issued by the commission to demonstrate knowledge of:

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

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

(2) The requirements of this section do not apply to an applicant who is present in the United States on a nonimmigrant visa. [1977 c.805 §2; 1981 c.663 §1; 2009 c.392 §1; 2011 c.648 §3]

342.125 Types of licenses; charter school teacher and administrator registry; rules.

(1)(a) Teaching licenses shall be issued and renewed by the Teacher Standards and Practices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and the rules of the commission.

(b) Notwithstanding any requirements prescribed for issuance of a teaching license, a person whose application for a teaching license is pending may teach in the public schools of this state for 90 calendar days after the date of submission of the application if:

(A) The person is not ineligible for a teaching license following background checks conducted by the commission, including a criminal records check as provided in ORS 181A.195 and a background check through an interstate clearinghouse of revoked and suspended licenses;

(B) The school district has completed the review of the employment history of the person as required by ORS 339.374; and

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

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

- (a) Preliminary teaching license.
- (b) Professional teaching license.
- (c) Distinguished teacher leader license.
- (d) Preliminary personnel service license.
- (e) Professional personnel service license.
- (f) Preliminary administrative license.
- (g) Professional administrative license.
- (h) Reciprocal license.

(i) Legacy license.

(3) The Teacher Standards and Practices Commission may establish other types of teaching licenses as the commission considers necessary for operation of the public schools of the state and may prescribe the qualifications for the licenses. However, no license established under the authority of this subsection is required for a regular classroom teaching position in the public schools.

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

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

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

(C) Documentation as required by the commission for the purposes of conducting a criminal records check as provided in ORS 181A.195 and a background check through an interstate clearinghouse of revoked and suspended licenses.

(b) Subject to the results of the criminal records check and background check and to information received under ORS 342.143 (2), the commission shall approve the application for registration. The commission may deny a request for registration only on the basis of the criminal records check, the background check through an interstate clearinghouse of revoked and suspended licenses or the information received under ORS 342.143 (2). The registration is valid for a term established by the commission and, subject to information received under ORS 342.143 (2), may be renewed upon joint application from the teacher or administrator and the public charter school.

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

(d) A registration as a public charter school administrator qualifies its holder to accept the administrator position described in the application in the public charter school that submitted the application with the holder of the registration. [1961 c.439 §2;

1965 c.100 §349; 1965 c.550 §2; part renumbered 342.127; 1973 c.270 §3; 1981 c.663 §2; 1991 c.662 §5; 1993 c.45 §152; 1997 c.352 §1; 1997 c.383 §1; 1999 c.199 §2; 2005 c.730 §17; 2007 c.575 §8; 2013 c.286 §1; 2015 c.647 §7; 2017 c.446 §1]

Note: Sections 1 and 2, chapter 738, Oregon Laws 2015, provide:

Sec. 1. Pilot program on alternative authorization requirements for teachers of noncore courses; rules. (1) A teacher authorization pilot program is established for the purpose of determining the effectiveness of alternative authorization requirements for teachers of noncore courses.

(2) The Teacher Standards and Practices Commission shall administer the pilot program.

(3) For the purpose of administering the pilot program, the commission shall determine:

(a) How to identify a noncore course.

(b) How to increase the applicability, to the greatest extent practicable, of the alternative authorization requirements to courses that are:

(A) Part of a career and technical education program; or

(B) Highly interdependent and may be taught by a person who does not have an academic background in the noncore course subject.

(c) Requirements for a teacher of a noncore course who does not have an academic background in teaching.

(d) The method for approving and evaluating persons who teach noncore courses. The method must include selection and oversight by a community authorization committee that must be composed of no more than seven members who are selected by a school district board and must include at least one administrator and at least one school district board member.

(e) Alternative authorization standards for a teacher of a noncore course, including the term of the authorization and the input required from the community authorization committee for issuance and renewal.

(4) No more than three school districts may participate in the pilot program. To be eligible to participate in the pilot program, a school district must have a weighted average daily membership as calculated under ORS 327.013 of 3,500 or less.

(5) Notwithstanding any other law, the commission may waive any licensing or endorsement requirements for a person who teaches a noncore course in compliance with this section.

(6)(a) The commission shall submit a report to the appropriate legislative committees related to education no later than:

(A) September 15, 2018, for a preliminary report; and

(B) September 15, 2020, for a final report.

(b) The reports required under this subsection must include information about:

(A) The number of students who received instruction from a teacher of a noncore course as provided by this section.

(B) The number of years each teacher participating in the pilot program taught a noncore course.

(c) In addition to the requirements for the reports described in paragraph (b) of this subsection, the reports may include information about:

(A) The graduation rates for the school district for each year that the school district participated in the pilot program.

(B) The school district's dropout rate for the students of the school district who participated in the pilot program.

(C) The percentage of students who took noncore courses as provided by this section who applied for post-secondary training or educational opportunities, including application for an apprenticeship program or a post-secondary institution of education.

(7) The commission shall adopt any rules necessary for the implementation of this section. [2015 c.738 §1]

Sec. 2. Repeal. Section 1 of this 2015 Act is repealed on December 31, 2020. [2015 c.738 §2]

342.126 [1977 c.826 §2; 1981 c.180 §1; 1993 c.45 §155; 1997 c.383 §10; repealed by 2008 c.39 §11]

342.127 Fees. (1) The Teacher Standards and Practices Commission shall establish and collect:

(a) A fee not to exceed \$350 for evaluation of the initial application for each educator license for which application is made. If the applicant is eligible for the educator license for which application is made, the commission shall issue the license without additional charge.

(b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed \$50 for each official paper license. If the educator is certified by a national professional organization for teaching standards recognized by the commission, the commission shall renew the license without charge.

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

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

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

(2) In addition to the fee required by subsection (1) of this section for the issuance of an educator license, the 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 educator preparation program.

(3) In addition to the fees required by subsection (1) of this section, the commission shall collect a late application fee not to exceed \$40 per month up to a maximum of \$200 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 commission.

(4) In addition to the fees required by subsection (1) of this section, the commission shall collect a late application fee not to ex-

ceed \$350 for the reinstatement of an expired license. The requirements for reinstatement and the actual amount of the fee shall be determined in accordance with rules of the commission.

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

(6) In addition to the fee required by subsection (1) of this section for the issuance of an educator license, the commission shall collect a fee not to exceed \$300 for the reinstatement of a license that has been suspended or revoked by the commission for gross neglect of duty or gross unfitness under ORS 342.175.

(7) In addition to the fee required by subsection (1) of this section for the issuance of an educator license to a substitute teacher, the commission shall collect a fee not to exceed \$200 for the issuance of any emergency license to a substitute teacher through an expedited process at the request of any school district, public charter school or education service district that seeks to employ the applicant. The fee shall be paid by the school district, public charter school or education service district.

(8) Fees established under this section shall cover, but not exceed, the full cost of administrative expenses incurred by the commission during any biennium. [Subsections (1) and (2) formerly part of 342.125; subsection (3) enacted as 1965 c.535 §14; 1969 c.416 §1; 1971 c.41 §1; 1973 c.270 §4; 1981 c.663 §3; 1983 c.14 §1; 1991 c.144 §1; 1993 c.45 §156; 1997 c.165 §1; 1997 c.352 §3; 1999 c.199 §4; 1999 c.768 §1; 2005 c.730 §18; 2007 c.35 §3; 2007 c.575 §10; 2015 c.245 §3; 2015 c.647 §8; 2017 c.446 §2; 2017 c.662 §3]

342.130 Certain existing certificates and licenses not invalidated. (1) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life of any certificate or diploma in effect on June 30, 1965, nor to invalidate the rights granted prior to June 30, 1965, by the law and the rules of the State Board of Education under which the certificate or diploma was issued.

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

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

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

(4) Nothing in chapter 647, Oregon Laws 2015, is intended to invalidate the life of any teaching, administrative or personnel service license in effect on July 6, 2015, or to alter the rights and privileges granted prior to July 6, 2015, by the law under which the license was issued. [1961 c.439 §3; 1965 c.100 §350; subsection (2) enacted as 1965 c.550 §4; 1997 c.383 §2; 1999 c.59 §89; 2015 c.647 §9]

Note: Legislative Counsel has substituted “chapter 550, Oregon Laws 1965,” for the words “this Act” in section 4, chapter 550, Oregon Laws 1965, compiled as 342.130 (2). Specific ORS references have not been substituted, pursuant to 173.160. The sections for which substitution otherwise would be made may be determined by referring to the 1965 Comparative Section Table located in Volume 20 of ORS.

Note: Legislative Counsel has substituted “chapter 647, Oregon Laws 2015,” for the words “this 2015 Act” in section 9, chapter 647, Oregon Laws 2015, which amended 342.130. Specific ORS references have not been substituted, pursuant to 173.160. The sections for which substitution otherwise would be made may be determined by referring to the 2015 Comparative Section Table located in Volume 20 of ORS.

342.135 [1961 c.439 §4; 1965 c.100 §354; 1965 c.550 §3; 1973 c.270 §5; 1989 c.521 §1; 1993 c.45 §157; 1997 c.383 §6; 2005 c.209 §36; repealed by 2015 c.647 §34]

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

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

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

(4) The commission shall develop a process that allows a teacher holding a preliminary teaching license to continually renew the preliminary teaching license based on the completion of requirements established by the rules of the commission if the teacher does not qualify for a professional teaching license due to lack of employment. [1997 c.383 §4; 2003 c.525 §1; 2013 c.286 §8; 2015 c.279 §1; 2015 c.647 §38]

Note: The amendments to 342.136 by section 39, chapter 647, Oregon Laws 2015, become operative July 1, 2020, and first apply to the 2020-2021 school year. See section 40, chapter 647, Oregon Laws 2015. The text that is operative on and after July 1, 2020, is set forth for the user's convenience.

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

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

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

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

(b) Must be under the direction of:

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

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

(i) Possesses a teaching license issued by the Teacher Standards and Practices Commission;

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

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

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

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

(5) The commission shall develop a process that allows a teacher holding a preliminary teaching license to continually renew the preliminary teaching license based on the completion of requirements established by the rules of the commission if the teacher does not qualify for a professional teaching license due to lack of employment.

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

(2) A distinguished teacher leader license shall be issued on application to an otherwise qualified person who:

(a) Has a valid professional teaching license; and

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

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

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

(3) A distinguished teacher leader license may be renewed if the applicant meets the requirements established by the commission by rule.

(4) The commission shall develop a process by which a teacher holding a distinguished teacher leader license is automatically issued a professional teaching license upon nonrenewal of a distinguished teacher leader license if the teacher meets the requirements for a professional teaching license. [2013 c.286 §7; 2015 c.479 §3; 2015 c.647 §11]

Note: 342.137 was added to and made a part of ORS chapter 342 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.138 Professional teaching license, professional personnel service license and professional administrative license; renewal; rules. (1) A professional teaching license, a professional personnel service license or a professional administrative license qualifies 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 professional personnel service license or a professional administrative license shall be issued on application to an otherwise qualified person who has:

(a) Completed an advanced professional education program approved by the commission;

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

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

(3) The holder of a professional teaching license, professional personnel service license or professional administrative license may renew the license in accordance with the rules of the commission. [1997 c.383 §5; 2003

c.525 §2; 2011 c.301 §7; 2013 c.286 §10; 2015 c.245 §5; 2015 c.647 §12]

342.140 [1961 c.439 §5; 1965 c.100 §355; 1973 c.270 §6; 1991 c.662 §6; repealed by 2015 c.245 §54 and 2015 c.647 §34]

342.143 Issuance of licenses and registrations. (1) 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 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) A teaching, personnel service or administrative license, or a public charter school registration, 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, 475.868, 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 right to apply for a license or registration is denied under this subparagraph may apply for reinstatement of the 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) A crime involving the illegal use, sale or possession of controlled substances; or

(B) A crime described in ORS 475B.010 to 475B.545.

(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. [1965 c.100 §352; 1971 c.743 §357; 1973 c.270 §7; 1979 c.744 §14; 1987 c.158 §58; 1987 c.503 §6; 1993 c.45 §158; 1993 c.301 §6; 1993 c.603 §2; 1995 c.446 §8; 1995 c.768 §14; 1997 c.383 §§11,11a; 1999 c.199 §8; 1999 c.308 §1; 2005 c.708 §52; 2007 c.575 §11; 2007 c.869 §10; 2007 c.876 §8; 2009 c.386 §4; 2011 c.151 §11; 2011 c.524 §21; 2011 c.681 §7; 2013 c.591 §11; 2015 c.245 §6; 2017 c.21 §50]

342.144 American Indian languages teaching license; renewal. (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 an educator preparation program to receive an American Indian languages teaching license.

(7)(a) An American Indian languages teaching license qualifies the holder to ac-

cept 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 a term established by the commission and may be renewed upon application from the holder of the license. [2001 c.653 §2; 2007 c.71 §94; 2007 c.863 §9; 2011 c.637 §125; 2015 c.245 §7; 2015 c.647 §13]

342.145 [1961 c.439 §6; 1965 c.100 §356; repealed by 1965 c.550 §6]

342.147 Approval of educator preparation providers and educator preparation programs; rules. (1)(a) The Teacher Standards and Practices Commission shall establish by rule standards for approval of educator preparation providers and educator preparation programs.

(b) Standards for approval of an educator preparation program for early childhood edu-

cation, elementary education, special education or reading must require that:

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

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

(2) The commission shall adopt rules that:

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

(b) Allow approved educator preparation programs leading to graduate degrees to commence prior to the candidate’s completion of baccalaureate degree requirements and to combine undergraduate and graduate level course work in achieving program completion.

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

(4) Nothing in this section is intended to grant to the Teacher Standards and Practices Commission any authority relating to granting degrees or establishing degree requirements that are within the authority of 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. [1973 c.270 §19; 1989 c.521 §2; 1989 c.690 §3; 1993 c.45 §159; 2011 c.637 §126; 2015 c.647 §§14,41,42; 2015 c.767 §§106,236,237,238,239; 2017 c.317 §1]

Note: The amendments to 342.147 by section 8, chapter 756, Oregon Laws 2015, become operative July 1, 2022. See section 2, chapter 756, Oregon Laws 2015, as amended by section 9, chapter 756, Oregon Laws 2015. The text that is operative on and after July 1, 2022, including amendments by section 2, chapter 317, Oregon Laws 2017, is set forth for the user’s convenience.

342.147. (1)(a) The Teacher Standards and Practices Commission shall establish by rule standards for approval of educator preparation providers and educator preparation programs.

(b) Standards for approval of an educator preparation program must include:

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

(B) Approving a public educator preparation program of more than four years' duration only if educator preparation programs that 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 their graduates for entry-level teaching licenses.

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

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

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

(2) The commission shall adopt rules that:

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

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

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

(4) Nothing in this section is intended to grant to the Teacher Standards and Practices Commission any authority relating to granting degrees or establishing degree requirements that are within the authority of 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.

Note: Sections 3 and 4, chapter 317, Oregon Laws 2017, provide:

Sec. 3. Implementation of standards and rules related to reading. (1) Notwithstanding ORS 342.147 (1)(b) and (2), the Teacher Standards and Practices Commission may not deny approval of an educator preparation program for failure to comply with standards or rules adopted under ORS 342.147 (1)(b) or (2) for three years from the date that the commission first adopts the standards or rules if the educator preparation program:

(a) Develops a plan to comply with the standards and rules; and

(b) Submits the plan to the commission within one year of the commission adopting the standards and rules.

(2) A plan submitted under this section may phase in implementation of the requirements if complete implementation is scheduled within three years of the commission first adopting the standards and rules under ORS 342.147 (1)(b) and (2). [2017 c.317 §3]

Sec. 4. Repeal. Section 3 of this 2017 Act is repealed on June 30, 2022. [2017 c.317 §4]

Note: Sections 4 and 5, chapter 756, Oregon Laws 2015, provide:

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

(2) Moneys in the Teacher Education Program Accreditation Account are continuously appropriated to the Teacher Standards and Practices Commission to award grants to educator preparation programs for the purpose of having the programs accredited by the organization described in ORS 342.147 (1)(b)(A), as amended by section 8 of this 2015 Act. [2015 c.756 §4; 2015 c.756 §10]

Sec. 5. Abolishment of account. (1) The Teacher Education Program Accreditation Account established by section 4 of this 2015 Act is abolished on July 1, 2022.

(2) Any moneys remaining in the account on July 1, 2022, that are unexpended, unobligated and not subject to any conditions shall be transferred to the General Fund on July 1, 2022. [2015 c.756 §5]

342.150 [1961 c.439 §7; 1963 c.173 §1; 1965 c.100 §357; repealed by 1965 c.550 §6]

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

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

(3) The Teacher Standards and Practices Commission shall adopt procedures to assess the proficiencies developed through workshops and courses in grade I and grade II Braille that are consistent with standards set by the National Library Service for the Blind and Physically Handicapped at the Library of Congress. [1993 c.380 §8; 1995 c.798 §2]

Note: 342.153 was added to and made a part of 342.120 to 342.430, but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.155 [1961 c.439 §8; 1965 c.100 §358; 1989 c.125 §2; repealed by 1993 c.45 §160]

342.156 [Formerly 342.985; 2013 c.1 §38; repealed by 2015 c.245 §54]

342.160 [1961 c.439 §9; repealed by 1965 c.100 §456 and 1965 c.550 §6]

342.165 Commission rules. (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 establish-

ing 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 educator preparation providers to prepare educators;

(c) The norms required for the educator assignments;

(d) The improvement of teaching and student learning;

(e) The adequacy of the 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) Other matters that tend to improve education. [1961 c.439 §10; 1965 c.100 §359; 1965 c.535 §10; 1973 c.270 §8; 1979 c.307 §1; 1993 c.45 §161; 1999 c.199 §5; 2005 c.209 §37; 2015 c.245 §9; 2015 c.647 §15]

342.167 [1973 c.270 §20; 1993 c.45 §163; repealed by 2015 c.245 §54]

342.169 [1981 c.180 §3; 1993 c.45 §165; 2009 c.256 §1; renumbered 342.664 in 2009]

342.170 [1961 c.439 §11; 1965 c.100 §360; repealed by 1965 c.535 §17]

342.173 Effect of employing certain persons; sanctions; rules. Any school district or education service district that employs any person not properly licensed or registered by the Teacher Standards and Practices Commission, or licensed by the commission but not assigned in accordance with 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:

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

(2) The 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 person is teaching at the high school level. The contract shall be approved by the Teacher Standards and Practices Commission, including criteria for a person's qualifications under paragraph (b) of this subsection. The contract shall:

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

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

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

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

(4) The person is teaching as provided by ORS 342.125 (1)(b). [1965 c.100 §353; 1975 c.278 §2; 1977 c.635 §10; 1979 c.307 §2; 1981 c.469 §1; 1981 c.663 §4; 1987 c.401 §1; 1987 c.503 §1a; 1989 c.150 §1; 1989 c.162 §1; 1989 c.493 §1; 1991 c.67 §83; 1991 c.710 §2; 1991 c.780 §§22,23; 1997 c.383 §12; 2013 c.1 §39; 2015 c.245 §10; 2017 c.446 §3]

342.174 [1975 c.278 §7; 1987 c.320 §156; 1993 c.45 §167; renumbered 179.405 in 1993]

(Discipline)

342.175 Grounds for discipline; reinstatement. (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) Conviction of a crime described in ORS 475B.010 to 475B.545;

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

(g) 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 educator preparation program under ORS 342.147, the commission may issue a public reprimand or may 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 been convicted of any crime 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 revoked, or whose 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 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 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 right to apply for a license or registration has been revoked, upon application therefor, when the license or registration suspension or revocation or the 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. [Formerly 342.070; 1965 c.100 §361; 1971 c.743 §358; 1973 c.228 §1; 1979 c.226 §1; 1979 c.226 §1; 1979 c.307 §3a; 1987 c.158 §59; 1987 c.503 §7; 1991 c.662 §1; 1993 c.45 §168; 1993 c.301 §7; 1993 c.603 §1; 1995 c.768 §15; 1997 c.383 §15; 1997 c.864 §19; 1999 c.199 §10; 1999 c.308 §2; 2007 c.575 §12; 2009 c.386 §1; 2015 c.245 §11; 2015 c.647 §16; 2017 c.21 §51]

342.176 Complaint process; preliminary investigation; materials confidential; notice. (1)(a) A person may file a complaint with the Teacher Standards and Practices Commission regarding a person licensed by the commission.

(b) Prior to beginning an investigation based on a complaint filed under paragraph (a) of this subsection, the commission may require verification that attempts were made to resolve the complaint through the complaint process of the school district that employs the person against whom the complaint was filed.

(c) After receiving sufficient verification as provided by paragraph (b) of this subsection, 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 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, 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, 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. [1979 c.226 §2; 1987 c.503 §2; 1989 c.149 §1; 1991 c.662 §2; 1997 c.165 §2; 1997 c.594 §2; 2003 c.524 §5; 2007 c.575 §13; 2009 c.393 §2; 2009 c.706 §2; 2015 c.245 §12; 2017 c.406 §3]

342.177 Hearing and decision on charges; notice. (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 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 shall have the right to be represented by counsel and to present ev-

idence 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 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 district or public charter school of the decision. [1965 c.100 §363; 1965 c.535 §11; 1973 c.228 §2; 1979 c.226 §3; 1989 c.149 §2; 1991 c.662 §3; 1997 c.165 §3; 1999 c.849 §§69,70; 2003 c.75 §33; 2005 c.444 §1; 2007 c.575 §14; 2009 c.706 §3; 2015 c.245 §13]

342.180 Appeal. (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 district school board or the public charter school employing the teacher or administrator is aggrieved at the decision of the commission, 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. [Formerly 342.075; 1965 c.100 §364; 1973 c.228 §3; 1999 c.199 §7; 2015 c.245 §14]

342.183 Letters of informal reproof.

(1) The Teacher Standards and Practices Commission may issue a letter of informal reproof to a person licensed, registered or certified by the commission if:

(a) Following the completion of an investigation, the commission determines that the person has engaged in conduct that affects the person's ability to be professionally effective, based on standards adopted by the commission by rule; and

(b) Subject to subsection (5) of this section, the commission agrees not to pursue disciplinary action against the person under ORS 342.175 and the person agrees to the terms of the letter of informal reproof, including a monitoring period.

(2) A letter of informal reproof issued as provided by subsection (1) of this section shall establish the terms of a monitoring period for the person to whom the letter is issued.

(3) Upon the issuance of a letter of informal reproof, the commission shall notify the employer of the person to whom the letter is issued, including any terms of the letter that the employer may need to know to assist the person in complying with the terms of the letter.

(4) A letter of informal reproof issued as provided by subsection (1) of this section:

(a) Is confidential; and

(b) Except when a disciplinary action is taken as provided in subsection (5) of this section, may not be posted on an interstate clearinghouse related to educator license sanctions.

(5) If a person fails to comply with the terms of a letter of informal reproof, the commission may take disciplinary action against the person based on one or both of the following:

(a) The conduct underlying the letter of informal reproof; or

(b) The failure to comply with the terms of the letter of informal reproof.

(6) If the executive director of the commission determines that a person failed to meet the terms of a letter of informal reproof, the executive director shall report

the failure to the commission for the commission to make a final determination pursuant to ORS 342.176.

(7) The documents and materials used in an investigation for the purposes of this section are confidential and are not subject to public inspection unless the commission makes a final determination to discipline the person pursuant to ORS 342.175. [2009 c.706 §5]

Note: 342.183 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

342.185 [1961 c.677 §3; 1965 c.100 §365; repealed by 1973 c.228 §10]

342.190 [1961 c.677 §4; 1965 c.100 §366; 1973 c.228 §4; repealed by 2015 c.245 §54]

(Miscellaneous)

342.192 Licensing requirements for out-of-state applicants; rules. (1) The Teacher Standards and Practices Commission may issue a license to an out-of-state applicant if the applicant has met the professional requirements established by rule by the commission and has completed a course of study that is acceptable to the commission.

(2) Applicants granted licenses under this section shall be required to meet all standards required of Oregon teachers, including the requirements of ORS 342.123, not later than two years following the date of initial granting of the license. [Formerly 342.400; 2015 c.245 §15]

342.195 Teaching licenses based on experience in certain federal programs; rules. (1) An otherwise qualified applicant for a preliminary 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 pre-primary program or in any grade 1 through 12 in subjects regularly taught in public schools; and

(B)(i) Has completed an approved 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 commis-

sion with documentation of military training or experience that the commission determines is substantially equivalent to the training required for a preliminary 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. [1967 c.304 §2; 1973 c.270 §9; 1993 c.45 §307; 1997 c.383 §13; 2012 c.43 §1a; 2013 c.351 §2; 2015 c.245 §16; 2015 c.647 §17]

342.197 [Formerly 345.585; 2015 c.647 §18; repealed by 2015 c.245 §54]

342.200 Administrative licenses based on professional skills and experience. 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, when considering an applicant for an administrative license, shall consider professional skills, education and experience not directly related to, nor contingent upon, teaching experience or training as a classroom teacher. [1971 c.570 §1; 1973 c.270 §10; 2011 c.609 §7; 2015 c.647 §§19,43]

342.202 Administrator comprehensive leadership development system. (1) The Department of Education, in partnership with the Teacher Standards and Practices Commission, shall create a comprehensive leadership development system for administrators licensed under ORS 342.125.

(2) The comprehensive leadership development system must include:

(a) A cost-effective plan that requires the coordination of public and private organizations and resources to:

(A) Improve the success of this state’s highest needs students;

(B) Provide research and technical assistance to schools seeking to adopt or enhance evidence-based leadership practices;

(C) Recruit underrepresented persons into the field of public school leadership; and

(D) Strengthen the capacity of administrators to improve education in public schools in this state;

(b) A plan for collaboration and continuous improvement among administrator

preparation programs approved by the Teacher Standards and Practices Commission to support performance-based assessments for administrators and candidates for administrative licensure;

(c) A plan for recruitment of underrepresented persons into administrator leadership programs;

(d) The improvement of access to high quality preparation and professional development for administrators working in rural school districts;

(e) A method for disseminating evidence-based practices to support the development of effective principals and teachers; and

(f) A method for providing research and technical assistance to school districts to encourage the placement of the most highly effective teachers in the highest need schools. [2011 c.609 §3]

Note: 342.202 was added to and made a part of ORS chapter 342 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.203 Publication of list of teachers, administrators and teacher candidates subjected to discipline. (1) The Teacher Standards and Practices Commission shall regularly publish information online that can be accessed by school districts, public charter schools and education service districts 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 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 candidate shall not be 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. [1973 c.228 §5; 1993 c.45 §169; 2009 c.386 §3; 2015 c.647 §§20,44]

342.205 [Repealed by 1965 c.608 §21]

342.208 Model career pathways for instructional assistants to become licensed teachers. (1) The Chief Education Office shall develop model career pathways for 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 instructional assistant.

(2) The model career pathways must identify:

(a) The minimum requirements for an instructional assistant to participate in a career pathway, including the requirement that the 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 instructional assistant who is participating in a career pathway. [2013 c.286 §§2,4; 2015 c.245 §§19,20; 2015 c.774 §21]

Note: The amendments to 342.208 by section 53, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

342.208. (1) The State Board of Education shall develop model career pathways for 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 instructional assistant.

(2) The model career pathways must identify:

(a) The minimum requirements for an instructional assistant to participate in a career pathway, including the requirement that the 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 instructional assistant who is participating in a career pathway.

Note: 342.208 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

342.210 [Amended by 1955 c.281 §1; 1959 c.433 §1; repealed by 1965 c.608 §21]

342.215 [Repealed by 1957 c.591 §1]

342.216 [1957 c.590 §2; repealed by 1965 c.608 §21]

342.218 [1961 c.69 §§2,3; repealed by 1965 c.608 §21]

342.220 [Amended by 1957 c.591 §2; repealed by 1965 c.608 §21]

342.223 Criminal records check; effect of making false statement; appeal. (1) For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Teacher Standards and Practices Commission may require the fingerprints of:

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

(d) A person who is registering with the commission for supervised clinical practice experience, 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 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 a license, 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. [1993 c.674 §5; 1995 c.446 §9; 1999 c.199 §9; 2001 c.407 §5; 2005 c.730 §19; 2007 c.35 §2; 2007 c.575 §15a; 2008 c.39 §8; 2015 c.245 §21; 2015 c.279 §5; 2015 c.647 §21]

342.225 [Amended by 1957 c.591 §3; repealed by 1965 c.608 §21]

342.227 [1993 c.674 §6; repealed by 2015 c.245 §54]

342.230 [Amended by 1957 c.591 §4; repealed by 1965 c.608 §21]

342.232 [1993 c.674 §6a; 1995 c.67 §41; 1997 c.536 §4; 1999 c.200 §34; 1999 c.1054 §6; 2001 c.407 §6; 2005 c.730 §20; 2007 c.35 §4; 2009 c.437 §2; repealed by 2015 c.245 §54]

342.235 [Amended by 1959 c.433 §2; repealed by 1965 c.608 §21]

342.240 [Repealed by 1965 c.608 §21]

342.245 [Repealed by 1965 c.608 §21]

342.250 [Amended by 1957 c.211 §1; repealed by 1965 c.608 §21]

342.252 [1955 c.281 §3; repealed by 1965 c.608 §21]

342.255 [Repealed by 1965 c.608 §21]

342.260 [Repealed by 1965 c.608 §21]

342.265 [Repealed by 1965 c.608 §21]

342.270 [Repealed by 1965 c.608 §21]

342.275 [Repealed by 1965 c.608 §21]

342.280 [Repealed by 1965 c.608 §21]

342.285 [Repealed by 1965 c.608 §21]

342.290 [Repealed by 1965 c.608 §21]

342.295 [Repealed by 1965 c.608 §21]

342.300 [Repealed by 1965 c.608 §21]

342.305 [Repealed by 1965 c.608 §21]

342.310 [Repealed by 1965 c.608 §21]

342.315 [Repealed by 1965 c.608 §21]

342.320 [Repealed by 1965 c.608 §21]

342.325 [Repealed by 1965 c.608 §21]

342.330 [Amended by 1953 c.638 §2; 1959 c.400 §4; repealed by 1965 c.608 §21]

342.340 [1965 c.535 §1; 1975 c.278 §3; 1991 c.144 §2; repealed by 1993 c.45 §170]

TEACHER STANDARDS AND PRACTICES COMMISSION

342.350 Commission established; confirmation; term; vacancy; effect of change in circumstances. (1) There is created a Teacher Standards and Practices Commission consisting of 17 members appointed by the Governor subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(2) The term of office of a member is three years. Before the expiration of the term of a member, the Governor shall appoint a successor to assume the duties on January 1 next following. A member is eligible for reappointment but only for one additional term. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

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

(4) The commission shall coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011. [1965 c.535 §2; 1973 c.270 §11; 1975 c.278 §4; 1979 c.307 §4; 2015 c.774 §22]

Note: The amendments to 342.350 by section 54, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

342.350. (1) There is created a Teacher Standards and Practices Commission consisting of 17 members appointed by the Governor subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(2) The term of office of a member is three years. Before the expiration of the term of a member, the Governor shall appoint a successor to assume the duties on January 1 next following. A member is eligible for reappointment but only for one additional term. In case

of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

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

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

- (a) Four elementary teachers;
- (b) Four middle school or high school teachers;
- (c) One elementary school administrator;
- (d) One middle school or high school administrator;
- (e) One superintendent of a school district;
- (f) One superintendent of an education service district;
- (g) One member from the faculty of an approved 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, personnel service work or administering in the public schools or in approved educator preparation providers in Oregon for the period of five years immediately preceding appointment. Acting as an elected representative of teachers, personnel service workers or administrators shall be considered teaching, personnel service work 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, personnel service 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 disabili-

ity including regular classroom instruction, instruction in physical education, home instruction, related services and instruction in hospitals, institutions and special schools. [1965 c.535 §3; 1973 c.270 §12; 1975 c.278 §5; 1979 c.307 §5; 1987 c.503 §9; 1989 c.244 §1; 1993 c.45 §171; 2005 c.209 §38; 2007 c.70 §101; 2011 c.637 §127; 2013 c.1 §40; 2015 c.647 §§22,45]

342.370 [1965 c.535 §5; 1975 c.278 §6; repealed by 1979 c.307 §8]

342.380 Organization. (1) The Teacher Standards and Practices Commission shall select one of its members as chairperson, and another as vice chairperson, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the commission shall determine.

(2) A majority of the commission constitutes a quorum for the transaction of business. [1965 c.535 §6]

342.390 Meetings; expenses. (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 educator preparation provider or by a public university listed in ORS 352.002:

(a) May not receive compensation for services as a member.

(b) Shall receive actual and necessary travel and other expenses incurred in the performance of official duties as provided by ORS 292.495 (2) and subject to any other applicable law regulating travel and other expenses for state officers.

(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). [1965 c.535 §§7,8; 1991 c.662 §4; 1993 c.45 §172; 2011 c.637 §128; 2015 c.245 §23; 2015 c.647 §23]

342.400 [1965 c.535 §9; 1973 c.270 §13; 1979 c.307 §6; 1981 c.663 §5; 1987 c.503 §8; 1993 c.45 §173; 1993 c.333 §1; renumbered 342.192 in 2013]

342.410 Executive director; employees. The Teacher Standards and Practices Commission shall appoint a qualified person as executive director and may, subject to the State Personnel Relations Law, employ persons to provide such service as the commission shall require. The executive director shall coordinate with the Chief Education Officer as provided by section 2, chapter 519, Oregon Laws 2011. [1965 c.535 §12; 1973 c.270 §14; 1997 c.165 §4; 2015 c.774 §23]

Note: The amendments to 342.410 by section 55, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

342.410. The Teacher Standards and Practices Commission shall appoint a qualified person as executive director and may, subject to the State Personnel Relations Law, employ persons to provide such service as the commission shall require.

342.420 Member's salary; reimbursement to district. (1) Membership on the Teacher Standards and Practices Commission shall not affect a member's compensation from the employer of the member or any other benefits to which the member is entitled.

(2) A school district required to employ a substitute for a teacher or administrator who is absent from employment while performing duties as a member of the Teacher Standards and Practices Commission shall be entitled to reimbursement for the district's actual expenses in employing the substitute. Reimbursement for the expense of employing such substitutes shall be made by the commission from the Teacher Standards and Practices Commission Account. [1965 c.535 §13]

342.425 Annual report on duties, powers and functions of commission. (1) The executive director of the Teacher Standards and Practices Commission shall prepare an annual report related to the duties, powers and functions of the commission.

(2) The report required by this section must include:

(a) The number of teaching licenses and administrative licenses that have been issued during the previous year.

(b) Trends related to the number of licenses issued and types of licenses issued during the previous year as compared to earlier years.

(c) Trends related to sanctions imposed on licensees during the previous year as compared to earlier years.

(d) A summary of activities occurring during the previous year related to educator preparation programs, including changes made to requirements for approved educator preparation providers, and the status of each educator preparation program in this state.

(e) A summary of significant changes to rules during the previous year and other efforts by the commission during the previous year to implement statutes.

(f) A summary of placement of students in educator preparation programs, completion rates for students in educator prepa-

ration programs and recommendations for improving teacher preparation programs.

(3) The report required by this section must be submitted to the appropriate committees or interim committees of the Legislative Assembly no later than July 1 of every year. [2017 c.406 §2]

Note: 342.425 was added to and made a part of ORS chapter 342 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.430 Teacher Standards and Practices Commission Account; use. On or before the 10th day of each month, the Teacher Standards and Practices Commission shall pay into the State Treasury all moneys received under this chapter. The State Treasurer shall credit the moneys to the Teacher Standards and Practices Commission Account. The moneys in the Teacher Standards and Practices Commission Account are continuously appropriated to the commission for the purpose of paying its administrative expenses. [1965 c.535 §15; 1967 c.637 §8; 1973 c.270 §15; 1993 c.45 §174; 2015 c.647 §24]

EDUCATORS EQUITY ACT

342.433 Definitions for ORS 342.433 to 342.449. As used in ORS 342.433 to 342.449 and 350.100:

(1) “Diverse” means culturally or linguistically diverse characteristics of a person, including:

(a) Origins in any of the black racial groups of Africa but is not Hispanic;

(b) Hispanic culture or origin, regardless of race;

(c) Origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands;

(d) Origins in any of the original peoples of North America, including American Indians or Alaskan Natives; or

(e) A first language that is not English.

(2) “Educator” means a teacher or an administrator. [1991 c.434 §6; 1993 c.45 §175; 2013 c.778 §1; 2015 c.188 §1]

342.435 [1977 c.635 §8; repealed by 1981 c.469 §6]

342.437 Goal. (1) As a result of this state’s commitment to equality for the diverse peoples of this state, the goal of the state is that the percentage of diverse educators employed by a school district or an education service district reflects the percentage of diverse students in the public schools of this state or the percentage of diverse students in the district.

(2) The Department of Education shall use federal reports on educator equity to monitor school district and education service

district progress on meeting the goal described in subsection (1) of this section, in relation to the recruitment, hiring and retention of diverse educators. [1991 c.434 §2; 2013 c.778 §2; 2015 c.647 §§25,46]

342.440 [1971 c.755 §2; repealed by 1973 c.536 §39]

342.443 Reports of longitudinal data.

(1) The Chief Education Office shall report biennially to the Legislative Assembly longitudinal data on the number and percentage of:

(a) Diverse students enrolled in community colleges;

(b) Diverse students enrolled in public universities;

(c) Diverse students graduated from public universities;

(d) Diverse candidates enrolled in public approved educator preparation programs;

(e) Diverse candidates who have completed public approved educator preparation programs;

(f) Diverse candidates receiving Oregon teaching or administrative licenses or registrations based on preparation in this state and preparation in other states;

(g) Diverse educators who are newly employed in the public schools in this state; and

(h) Diverse educators already employed in the public schools.

(2) The office also shall report comparisons of scores achieved by diverse persons and nondiverse persons on basic skills, pedagogy and subject matter tests.

(3) The Higher Education Coordinating Commission, the public universities listed in ORS 352.002, the Department of Education, the Teacher Standards and Practices Commission, community colleges and school districts shall cooperate with the office in collecting data and preparing the report. [1991 c.434 §3; 1997 c.652 §30; 2011 c.637 §129; 2013 c.768 §135a; 2013 c.778 §§4,5; 2015 c.245 §§24,25; 2015 c.647 §§26,27,47,48; 2015 c.767 §§107,108; 2015 c.774 §24]

Note: The amendments to 342.443 by section 56, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user’s convenience.

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) Diverse students enrolled in community colleges;

(b) Diverse students enrolled in public universities;

(c) Diverse students graduated from public universities;

(d) Diverse candidates enrolled in public approved educator preparation programs;

(e) Diverse candidates who have completed public approved educator preparation programs;

(f) Diverse candidates receiving Oregon teaching or administrative licenses or registrations based on preparation in this state and preparation in other states;

(g) Diverse educators who are newly employed in the public schools in this state; and

(h) Diverse educators already employed in the public schools.

(2) The advisor also shall report comparisons of scores achieved by diverse persons and nondiverse persons on basic skills, pedagogy and subject matter tests.

(3) The Higher Education Coordinating Commission, the public universities listed in ORS 352.002, 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.

342.445 [1977 c.635 §9; renumbered 342.485]

342.447 Plans for recruitment, admission, retention and graduation of diverse educators. (1) The Higher Education Coordinating Commission shall require each public educator preparation program in this state to prepare a plan with specific goals, strategies and deadlines for the recruitment, admission, retention and graduation of diverse educators to accomplish the goal described in ORS 342.437.

(2) The commission shall review the plans for adequacy and feasibility with the governing board of each public university with an educator preparation program and, after necessary revisions are made, shall adopt the plans.

(3) The commission shall provide guidance on:

(a) The contents of the plans;

(b) The commission'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 350.100. [1991 c.434 §4; 2015 c.188 §6; 2015 c.245 §26; 2015 c.647 §28; 2015 c.767 §109]

342.448 Reports related to implementation of Educators Equity Act. (1) Representatives of the Chief Education Office, the Higher Education Coordinating Commission, the Department of Education and the Teacher Standards and Practices Commission shall jointly create a report on the Educators Equity Act. The report shall include:

(a) A summary of the most recent data collected as provided by ORS 342.443.

(b) A summary of the plans currently implemented as provided by ORS 342.447.

(c) Recommendations for meeting the goal described in ORS 342.437, including progress toward meeting the goal described in ORS 342.437.

(d) A description of best practices within this state and other states for recruiting, hiring and retaining diverse educators.

(2)(a) The report created as provided by subsection (1) of this section shall be submitted:

(A) To the interim legislative committees on education in each even-numbered year; and

(B) To the Legislative Assembly in the manner provided by ORS 192.245 in each odd-numbered year.

(b) The report submitted as required by paragraph (a)(B) of this subsection shall be submitted with the data reported as required by ORS 342.443.

(3) The Chief Education Office, the Higher Education Coordinating Commission, the Department of Education and the Teacher Standards and Practices Commission shall make the report submitted as provided under subsection (2) of this section available on the website of each agency. [2015 c.188 §11; 2015 c.774 §76]

Note: The amendments to 342.448 by section 76a, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

342.448. (1) Representatives of the Education and Workforce Policy Advisor, the Higher Education Coordinating Commission, the Department of Education and the Teacher Standards and Practices Commission shall jointly create a report on the Educators Equity Act. The report shall include:

(a) A summary of the most recent data collected as provided by ORS 342.443.

(b) A summary of the plans currently implemented as provided by ORS 342.447.

(c) Recommendations for meeting the goal described in ORS 342.437, including progress toward meeting the goal described in ORS 342.437.

(d) A description of best practices within this state and other states for recruiting, hiring and retaining diverse educators.

(2)(a) The report created as provided by subsection (1) of this section shall be submitted:

(A) To the interim legislative committees on education in each even-numbered year; and

(B) To the Legislative Assembly in the manner provided by ORS 192.245 in each odd-numbered year.

(b) The report submitted as required by paragraph (a)(B) of this subsection shall be submitted with the data reported as required by ORS 342.443.

(3) The Education and Workforce Policy Advisor, the Higher Education Coordinating Commission, the Department of Education and the Teacher Standards and Practices Commission shall make the report submitted as provided under subsection (2) of this section available on the website of each agency.

342.449 Short title. ORS 342.433 to 342.449 and 350.100 shall be known and may be cited as the Educators Equity Act. [1991 c.434 §1; 2015 c.188 §9]

342.450 [1965 c.390 §1; 1969 c.647 §1; repealed by 1973 c.536 §39]

SCHOOL NURSES

342.455 Definition of “school nurse.” “School nurse” as used in ORS 342.465 and 342.475, means a registered nurse who is certified by the Teacher Standards and Practices Commission as qualified to conduct and coordinate the health services programs of a school. [Formerly 678.505]

342.460 [1965 c.390 §§2,3; 1969 c.647 §2; 1971 c.755 §3; repealed by 1973 c.536 §39]

342.465 Rules; notice if action taken on license. (1) The Teacher Standards and Practices Commission shall adopt by rule standards necessary for the issuance, denial, continuation, renewal, lapse or reinstatement of certificates issued under ORS 342.475 (1) to (3) and for establishment and collection of fees for certification as a school nurse. The commission may adopt by rule procedures for revocation of a certificate issued under ORS 342.475 (1) to (3) that are consistent with ORS 342.175 to 342.180.

(2) The Oregon State Board of Nursing shall notify the commission whenever the board takes any action on a license issued under ORS chapter 678 which might affect the ability of the license holder to practice as a school nurse. [Formerly 678.525; 1993 c.45 §176]

342.470 [1965 c.390 §4; 1969 c.647 §3; 1971 c.755 §4; repealed by 1973 c.536 §39]

342.475 School nurses; certificates. (1) “School nurse” is established as a category of specialization in nursing.

(2) The Teacher Standards and Practices Commission shall issue a certificate as a school nurse to a person who complies with the rules established by the commission for the certification and practice of school nursing or who has been certified by the Oregon State Board of Nursing as a school nurse practitioner. In establishing rules for the certification and practice of any specialization of school nursing, the commission shall consider the recommendations of the Oregon State Board of Nursing.

(3) The commission may issue an emergency certificate that authorizes a person licensed as a registered nurse in this state who does not meet the requirements of subsection (2) of this section to practice as a school nurse. Such certificates shall be issued for a limited time as set by the commission.

(4) Notwithstanding subsections (1) to (3) of this section, the commission shall issue a certificate in a school nurse specialization category to a registered nurse who applies for certification and who is employed by a school, school district or education service

district to conduct and coordinate a school or district health services program or who serves in such a capacity on a voluntary basis on November 1, 1981. A certificate issued under this subsection shall be issued without further proof of qualification by the applicant.

(5) A certificate issued under this section is not a teaching license. The nurse holding a certificate issued under this section is not subject to ORS 238.280 or 342.805 to 342.937. [Formerly 678.515]

342.480 [1971 c.755 §5; repealed by 1973 c.536 §39]

342.485 Commission to consult with and advise Oregon State Board of Nursing on school nursing. The Teacher Standards and Practices Commission shall consult with and advise the Oregon State Board of Nursing on the qualifications and practices involved in school nursing. [Formerly 342.445]

342.495 Holder of school nurse certificate qualified to conduct and coordinate health services program. (1) The holder of a school nurse certificate issued under ORS 342.475 (1) to (3) is qualified to accept employment to conduct and coordinate the health services programs of any public school in the State of Oregon. A person licensed as a registered nurse may use the term “nurse” as part of a title when employed by a school.

(2) No school or school district is required to employ as a nurse a person certified under ORS 342.475 (1) to (3). [Formerly 342.982]

342.505 [Amended by 1955 c.219 §1; 1961 c.383 §1; 1965 c.100 §367; repealed by 1993 c.45 §177]

342.508 [1957 c.446 §1; 1965 c.100 §368; 1965 c.608 §20; repealed by 1973 c.298 §9]

342.510 [Amended by 1965 c.100 §380; renumbered 342.965]

CONTRACTS OF TEACHERS AND ADMINISTRATORS

342.513 Renewal or nonrenewal of contracts for following year. (1) Each district school board shall give written notice of the renewal or nonrenewal of the contract for the following school year by March 15 of each year to all teachers and administrators in its employ who are not contract teachers as defined in ORS 342.815. In case the district school board does not renew the contract, the material reason therefor shall, at the request of the teacher or administrator, be included in the records of the school district, and the board shall furnish a statement of the reason for nonrenewal to the teacher or administrator. If any district school board fails to give such notice by March 15, the contract shall be considered renewed for the following school year at a salary not less than that being received at the time of re-

newal. The teacher or administrator may bring an action of mandamus to compel the district school board to issue such a contract for the following school year.

(2) This section is not effective unless teachers or administrators notify the board in writing on or before April 15 of acceptance or rejection of the position for the following school year. [Formerly 342.635; 1975 c.770 §47; 1979 c.714 §1; 1997 c.864 §24; 2005 c.22 §236]

342.515 [Amended by 1965 c.100 §381; repealed by 1993 c.45 §178]

342.520 [Amended by 1959 c.361 §1; 1965 c.100 §382; renumbered 342.970]

342.521 Contracts with teachers for return of part of salary prohibited. No district shall enter into a contract with any teacher whereby the teacher shall return to the district any part of the salary of the teacher. If any board and teacher enter into such contract, the contract is void and the teacher's teaching license shall be revoked. [Formerly 342.613]

342.525 [Amended by 1965 c.100 §383; renumbered 342.613]

342.530 [Amended by 1965 c.100 §370; 1967 c.324 §1; 1969 c.84 §1; repealed by 1973 c.298 §9]

342.535 [Amended by 1965 c.100 §371; repealed by 1969 c.84 §2]

342.540 [Amended by 1965 c.100 §372; repealed by 1969 c.84 §2]

342.545 Termination of teacher's contract; release. (1) Sickness or other unavoidable circumstances which prevent the teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under ORS 332.507 shall be sufficient reason for the school board to place the teacher on leave without pay for the remainder of the regular school year and to terminate the teacher's employment without penalty on August 1 if the school board determines that the teacher is unable to resume teaching responsibilities at the beginning of the next fall term. This subsection applies to teachers whose employment is based either upon contract or tenure, or both.

(2) A district school board may release a teacher from a contract by mutual agreement. No board is required to consider any resignation not in writing. [Formerly 342.640; 1969 c.106 §1; 1977 c.860 §2; 1979 c.269 §1]

342.549 Administrator contracts; benefits after termination. (1) As used in this section:

(a) "Administrator" means a person who is employed as an administrator or is performing administrative duties, regardless of whether the person is required to have a license, and includes but is not limited to superintendents, assistant superintendents and business managers.

(b) "Administrator" does not include a person who is subject to ORS 342.805 to 342.937.

(2) A school district, education service district or public charter school shall:

(a) Enter into an employment contract, with each administrator, that has provisions that cover the duration of the contract, conditions for contract termination and extension and conditions for employee resignation; and

(b) Have the current employment contract for each administrator on file in the central office of the district or school.

(3) Except as provided in subsection (4) of this section, a school district, education service district or public charter school may not enter into an employment contract with an administrator that contains provisions that expressly obligate the district or school to compensate the administrator for work that is not performed.

(4) A school district, education service district or public charter school may provide health benefits for an administrator who is no longer employed by the district or school until the administrator:

(a) Reaches 65 years of age; or

(b) Finds new employment that provides health benefits.

(5) For a period of one year after the termination of the contract between an administrator and a school district, education service district or public charter school, the administrator may not:

(a) Purchase property or surplus property owned by the district or school; or

(b) Use property owned by the district or school in a manner other than the manner permitted for the general public in a school district or education service district or at a public charter school. [Formerly 342.603]

Note: 342.549 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

342.550 [Repealed by 1965 c.100 §456]

342.553 Discipline for resigning without providing required notice. (1) Upon notice from a district school board of the resignation of a person who is licensed by or registered with the Teacher Standards and Practices Commission, the commission may discipline the person if the person entered into a written contract to work in a public school and resigned the position without first providing 60 days' written notice, or the notice required in the applicable collective bargaining agreement, to the district superintendent or the school board.

(2) In disciplining a person as provided under this section, the commission shall follow the procedure set forth in ORS 342.175 (4), 342.176 and 342.177. [Formerly 342.645; 1975 c.258 §1; 2009 c.706 §1]

342.555 [Repealed by 1965 c.100 §456]

342.560 [Amended by 1955 c.618 §1; 1965 c.100 §384; renumbered 342.975]

342.565 [Repealed by 1965 c.100 §456]

342.570 [Repealed by 1965 c.100 §456]

342.575 [Amended by 1955 c.618 §2; 1965 c.100 §385; renumbered 342.980]

342.580 [Repealed by 1965 c.100 §456]

342.585 [Repealed by 1965 c.100 §456]

342.590 [Repealed by 1963 c.544 §52]

342.595 [Amended by 1953 c.392 §2; 1961 c.357 §1; 1963 c.211 §1; 1965 c.100 §375; 1975 c.431 §1; repealed by 1977 c.860 §5]

342.596 [1957 c.457 §1; 1963 c.122 §1; 1965 c.100 §376; 1965 c.183 §1; 1977 c.860 §3; 1991 c.599 §1; renumbered 332.507 in 1993]

342.598 [1965 c.254 §1; renumbered 332.432 in 1993]

342.599 [1977 c.826 §3; repealed by 1993 c.45 §180]

342.600 [Amended by 1955 c.101 §2; 1961 c.439 §12; 1963 c.544 §50a; 1965 c.100 §378; 1965 c.216 §1; repealed by 1967 c.67 §13 (342.601 enacted in lieu of 342.600)]

342.601 [1967 c.67 §14 (enacted in lieu of 342.600); 1975 c.278 §8; 1975 c. 770 §48a; 1981 c.128 §1 repealed by 1983 c.187 §1]

342.602 [Formerly 342.065; 1965 c.100 §379; repealed by 1973 c.458 §3]

342.603 [2007 c.309 §1; renumbered 342.549 in 2009]

342.604 [1971 c.519 §2; 1989 c.491 § 28; renumbered 332.534 in 1993]

342.605 [Repealed by 1965 c.100 §456]

TERMS AND CONDITIONS OF EMPLOYMENT OF SCHOOL PERSONNEL

342.608 Working hours for licensed personnel; duty-free lunch period required; exception. (1) School boards shall fix the working hours for full-time and part-time licensed staff members. They shall direct that full-time staff members be provided a time for a 30-minute continuous duty-free lunch period during the regularly scheduled lunch hours.

(2) Any school principal who fails to schedule a continuous 30-minute duty-free lunch period in accordance with this section shall be guilty of neglect of duty under ORS 342.865.

(3) No teacher shall by oral orders or written agreement fail to receive a 30-minute lunch period.

(4) School boards shall not be required to employ special personnel to supervise students during lunch periods.

(5) This section does not apply in school buildings where fewer than three teachers are employed. [1971 c.201 §1]

342.609 [1977 c.137 §1; renumbered 336.081 in 1993]

342.610 Minimum salary for substitute teachers. (1) Teachers employed as substitute teachers shall not be paid less per day than 85 percent of 1/190th of the salary of a beginning teacher who holds a bachelor's degree. The salary of the substitute teacher shall be computed as required in this subsection based on the statewide average salary for beginning teachers who hold bachelor's degrees. The Department of Education shall compute the statewide average salary to be used for purposes of this subsection, using the latest data available to the department, but not data from earlier than the preceding school year.

(2) The school district shall set the working hours for a substitute teacher, and, when employed, shall pay the substitute teacher a salary that is no less than one-half of the daily minimum salary computed under subsection (1) of this section. However, if the substitute teacher is employed for more than one-half day, the substitute teacher shall receive a full day's pay.

(3)(a) Notwithstanding subsection (1) of this section, teachers employed as substitute teachers for more than 10 consecutive days in any one assignment for the same teacher shall not be paid after the 10th day of the assignment less per day than 100 percent of 1/190th of the statewide average salary computed in subsection (1) of this section for districts with no salary scale; or, for districts with a salary scale, the higher of:

(A) 1/190th of the employing school district's salary for a beginning teacher who holds a bachelor's degree; or

(B) The daily minimum salary computed under subsection (1) of this section.

(b) Used sick leave, whether paid or unpaid, and weekends, school holidays and days when schools are closed by weather or other conditions and when substitute teachers are not required to appear in person at the school shall not be considered in determining consecutive days for purposes of this subsection.

(c) When substituting for a part-time teacher, the part of the day worked by the substitute shall count as a full day in determining consecutive days for purposes of this subsection.

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

(a) The daily minimum salary computed under subsection (1) or (3) of this section must be multiplied by 1.125; and

(b) Calculations described in subsection (3) of this section must be made after a teacher has been employed as a substitute

teacher for more than eight consecutive days in any one assignment for the same teacher.

(5) This section does not apply to substitute teachers represented in a bargaining unit in the school district by which they are employed. [Amended by 1955 c.130 §1; 1957 c.262 c.1; 1965 c.100 §377; 1967 c.625 §1; 1971 c.536 §1; 1977 c.531 §1; 1979 c.167 §1; 1987 c.402 §1; 1991 c.198 §1; 1995 c.793 §1; 1999 c.706 §1; 2015 c.71 §1]

342.613 [Formerly 342.525; 1967 c.67 §12; renumbered 342.521 in 2009]

342.615 [Amended by 1965 c.100 §386; repealed by 1979 c.166 §1]

342.617 [1985 c.585 §2; 1993 c.45 §184; renumbered 332.554 in 1993]

342.620 [Repealed by 1979 c.166 §1]

342.625 [Repealed by 1979 c.166 §1]

342.630 [Repealed by 1965 c.100 §456]

342.635 [Amended by 1957 c.443 §1; 1965 c.100 §369; renumbered 342.513]

342.640 [Amended by 1965 c.100 §373; 1965 c.163 §1; renumbered 342.545]

342.645 [Amended by 1953 c.36 §2; 1959 c.441 §1; 1965 c.100 §374; renumbered 342.553]

342.650 [Amended by 1965 c.100 §387; 2009 c.744 §4; repealed by 2010 c.105 §3]

342.655 [Amended by 1965 c.100 §388; 1987 c.503 §3; repealed by 2010 c.105 §3]

342.660 [Repealed by 1965 c.100 §456]

342.663 [1969 c.266 §§1,2,3; 1993 c.45 §186; renumbered 332.544 in 1993]

342.664 Required ratio of pupils to staff holders of first aid cards; waiver; rules. (1) The State Board of Education shall establish by rule the ratio of the number of pupils to the number of staff members who must hold current, recognized first aid cards in each school.

(2) In order to attain or maintain the ratio set under subsection (1) of this section, the district may require any staff member as a condition of employment to hold a current, recognized first aid card. The staff member shall have 90 days from the date on which the district imposes the requirement to obtain the first aid card.

(3) The district may waive the requirement of subsection (2) of this section for any staff member who is unable by reason of disability to obtain a recognized first aid card. [Formerly 342.169; 2011 c.313 §16]

Note: 342.664 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

342.665 [Amended by 1961 c.204 §1; repealed by 1965 c.100 §456]

342.670 [Repealed by 1965 c.100 §456]

342.675 [Repealed by 1965 c.100 §456]

342.680 [Repealed by 1965 c.100 §456]

342.685 [Repealed by 1965 c.100 §456]

SEXUAL HARASSMENT

342.700 Policy on sexual harassment; posting and availability of policy. It is the policy of the State of Oregon that sexual harassment will not be tolerated in schools. A school district shall adopt a policy on sexual harassment for students and staff that meets the requirements of ORS 342.704. A school district shall make the sexual harassment policy available to students, parents of students and staff. A school district's sexual harassment policy shall be posted on a sign that is at least 8.5 by 11 inches in size. The school district shall post the sign in all grade 6 through 12 schools in the school district. [1997 c.272 §1]

Note: 342.700 to 342.708 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

342.704 Adoption of school district policies on sexual harassment required; contents; rules. (1) The State Board of Education shall adopt by rule minimum requirements for school district policies on sexual harassment of students by staff and other students including, but not limited to, requirements that:

(a) All staff and students are subject to the policies;

(b) Sexual harassment of students includes:

(A) A demand for sexual favors in exchange for benefits; and

(B) Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's educational performance or that creates an intimidating, offensive or hostile educational environment;

(c) All complaints about behavior that may violate the policy shall be investigated;

(d) The initiation of a complaint in good faith about behavior that may violate the policy shall not adversely affect the educational assignments or study environment of the student; and

(e) The student who initiated the complaint and the student's parents shall be notified when the investigation is concluded.

(2) The State Board of Education shall adopt by rule minimum requirements for school district policies on sexual harassment of staff by students and other staff including, but not limited to, requirements that:

(a) All staff and students are subject to the policies;

(b) Sexual harassment of staff includes:

(A) A demand for sexual favors in exchange for benefits; and

(B) Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a staff person's ability to perform the job or that creates an intimidating, offensive or hostile work environment;

(c) All complaints about behavior that may violate the policy shall be investigated;

(d) The initiation of a complaint in good faith about behavior that may violate the policy shall not adversely affect any terms or conditions of employment or work environment of the staff complainant; and

(e) The staff member who initiated the complaint shall be notified when the investigation is concluded. [1997 c.272 §2]

Note: See note under 342.700.

342.708 ORS 342.700 and 342.704 not limitation on or prerequisite for other rights and remedies. Nothing in ORS 342.700 and 342.704 is intended to limit or operate as a prerequisite to pursuing any rights or remedies provided under other statutes or the common law. [1997 c.272 §3]

Note: See note under 342.700.

342.710 [1971 c.582 §1; repealed by 1973 c.536 §39]

342.720 [1971 c.582 §§2,7; repealed by 1973 c.536 §39]

STEROIDS AND PERFORMANCE-ENHANCING SUBSTANCES

342.721 Definitions for ORS 342.723 and 342.726. As used in ORS 342.723 and 342.726:

(1) "Anabolic steroid" includes any drug or hormonal substance chemically or pharmacologically related to testosterone, all prohormones, including dehydroepiandrosterone and all substances listed in the Anabolic Steroid Control Act of 2004. "Anabolic steroid" does not include estrogens, progestins, corticosteroids and mineralocorticoids.

(2) "Performance-enhancing substance" means a manufactured product for oral ingestion, intranasal application or inhalation containing compounds that:

(a) Contain a stimulant, amino acid, hormone precursor, herb or other botanical or any other substance other than an essential vitamin or mineral; and

(b) Are intended to increase athletic performance, promote muscle growth, induce weight loss or increase an individual's endurance or capacity for exercise.

(3) "School district employee" means:

(a) An administrator, teacher or other person employed by a school district;

(b) A person who volunteers for a school district; and

(c) A person who is performing services on behalf of a school district pursuant to a contract. [2007 c.395 §1]

Note: 342.721, 342.723 and 342.726 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

342.723 Prohibitions on school district employees. A school district employee may not:

(1) Knowingly sell, market or distribute an anabolic steroid or performance-enhancing substance to a kindergarten through grade 12 student with whom the employee has contact as part of the employee's school district duties; or

(2) Knowingly endorse or suggest the ingestion, intranasal application or inhalation of an anabolic steroid or performance-enhancing substance by a kindergarten through grade 12 student with whom the employee has contact as part of the employee's school district duties. [2007 c.395 §2]

Note: See note under 342.721.

342.726 Curricula to include information on steroids and performance-enhancing substances; training of school employees. (1) School districts shall include information on anabolic steroids and performance-enhancing substances, including prevention strategies, strength-building alternatives and the understanding of health food labels, in health and physical education curricula for kindergarten through grade 12 students.

(2) The Department of Education shall ensure that school districts are utilizing evidence-based programs such as the Oregon Health and Science University's Athletes Training and Learning to Avoid Steroids (ATLAS) and Athletes Targeting Healthy Exercise and Nutrition Alternatives (ATHENA), which have demonstrated effectiveness in reducing anabolic steroid and performance-enhancing substance use by high school athletes.

(3) The department shall work with voluntary organizations that administer interscholastic activities to require school district employees who are coaches or athletic directors to receive training once every four years on identifying the components of anabolic steroid abuse and use and prevention strategies for the use of performance-enhancing substances. [2007 c.395 §3; 2008 c.39 §5; 2011 c.313 §22]

Note: See note under 342.721.

342.730 [1971 c.582 §3; repealed by 1973 c.536 §39]

342.740 [1971 c.582 §4; repealed by 1973 c.536 §39]

342.750 [1971 c.582 §5; repealed by 1973 c.536 §39]

342.760 [1971 c.582 §6; repealed by 1973 c.536 §39]

- 342.770** [1971 c.582 §8; repealed by 1973 c.536 §39]
342.780 [1971 c.582 §9; repealed by 1973 c.536 §39]
342.782 [1987 c.896 §14; 1989 c.187 §7; repealed by 1993 c.45 §187]
342.784 [1987 c.896 §15; renumbered 329.790 in 1993]
342.786 [1987 c.896 §§16, 28; 1989 c.187 §8; 1993 c.45 §189; renumbered 329.795 in 1993]
342.788 [1987 c.896 §17; 1989 c.187 §9; 1993 c.45 §190; renumbered 329.800 in 1993]
342.790 [1987 c.896 §§18, 22; 1989 c.187 §10; 1993 c.45 §191; renumbered 329.805 in 1993]
342.792 [1987 c.896 §19; 1993 c.45 §192; renumbered 329.810 in 1993]
342.794 [1987 c.896 §20; 1989 c.187 §11; renumbered 329.815 in 1993]
342.796 [1987 c.896 §21; 1991 c.67 §84; 1993 c.45 §193; renumbered 329.820 in 1993]
342.798 [1987 c.896 §23; repealed by 1989 c.187 §13]

ACCOUNTABILITY FOR SCHOOLS FOR THE 21ST CENTURY LAW

342.805 Short title. ORS 342.805 to 342.937 shall be known as the Accountability for Schools for the 21st Century Law. [1965 c.608 §1; 1971 c.570 §2; 1977 c.881 §1; 1997 c.864 §26]

342.815 Definitions for ORS 342.805 to 342.937. As used in ORS 342.805 to 342.937 unless the context requires otherwise:

(1) Notwithstanding ORS 342.120, “administrator” includes any teacher the majority of whose employed time is devoted to service as a supervisor, principal, vice principal or director of a department or the equivalent in a fair dismissal district but shall not include the superintendent, deputy superintendent or assistant superintendent of any such district or any substitute or temporary teacher employed by such a district.

(2) “Board” means the board of directors of a fair dismissal school district.

(3) “Contract teacher” means any teacher who has been regularly employed by a school district for a probationary period of three successive school years, and who has been retained for the next succeeding school year. The district school board may enter into agreements that provide for a shorter probationary period of not less than one year for teachers who have satisfied the three-year probationary period in another Oregon school district.

(4) “District superintendent” means the superintendent of schools of a fair dismissal district or, in the absence of the superintendent, the person designated to fulfill the superintendent’s functions.

(5) “Fair dismissal district” means any common or union high school district or education service district.

(6) “Probationary teacher” means any teacher employed by a fair dismissal district who is not a contract teacher.

(7) “Program of assistance for improvement” means a written plan for a contract teacher that with reasonable specificity:

(a) Helps teachers adapt and improve to meet changing demands of the Oregon Educational Act for the 21st Century in ORS chapter 329 if applicable.

(b) Identifies specific deficiencies in the contract teacher’s conduct or performance.

(c) Sets forth corrective steps the contract teacher may pursue to overcome or correct the deficiencies.

(d) Establishes the assessment techniques by which the district will measure and determine whether the teacher has sufficiently corrected the deficiencies to meet district standards.

(8) “Substitute teacher” means any teacher who is employed to take the place of a probationary or contract teacher who is temporarily absent.

(9) Notwithstanding ORS 342.120, “teacher” means any person who holds a teaching license or registration as provided in ORS 342.125 or 342.144 or who is otherwise authorized to teach in the public schools of this state and who is employed half-time or more as an instructor or administrator.

(10) “Temporary teacher” means a teacher employed to fill a position designated as temporary or experimental or to fill a vacancy which occurs after the opening of school because of unanticipated enrollment or because of the death, disability, retirement, resignation, contract nonextension or dismissal of a contract or probationary teacher. [1965 c.608 §2; 1971 c.570 §12; 1977 c.880 §1; 1977 c.881 §2; 1979 c.668 §1; 1981 c.299 §1; 1993 c.45 §194; 1997 c.864 §4; 1999 c.199 §11; 2001 c.653 §5]

342.825 [1965 c.608 §3; 1973 c.298 §1; repealed by 1977 c.881 §8]

342.835 Probationary teacher. (1) The district board of any fair dismissal district may discharge or remove any probationary teacher in the employ of the district at any time during a probationary period for any cause considered in good faith sufficient by the board. The probationary teacher shall be given a written copy of the reasons for the dismissal, and upon request shall be provided a hearing thereon by the board, at which time the probationary teacher shall have the opportunity to be heard either in person or by a representative of the teacher’s choice.

(2) For any cause it may deem in good faith sufficient, the district board may refuse to renew the contract of any probationary teacher. However, the teacher shall be enti-

tled to notice of the intended action by March 15, and upon request shall be provided a hearing before the district board. Upon request of the probationary teacher the board shall provide the probationary teacher a written copy of the reasons for the nonrenewal, which shall provide the basis for the hearing.

(3) If an appeal is taken from any hearing, the appeal shall be to the circuit court for the county in which the headquarters of the school district is located and shall be limited to the following:

(a) The procedures at the hearing;

(b) Whether the written copy of reasons for dismissal required by this section was supplied; and

(c) In the case of nonrenewal, whether notice of nonrenewal was timely given. [1965 c.608 §4; 1971 c.570 §4; 1975 c.727 §1; 1979 c.714 §2; 1981 c.323 §1; 2007 c.251 §1]

342.840 Determination of length of service for probationary teacher. For purposes of determining length of service for a probationary teacher, a teacher employed for 135 consecutive days in any school year shall receive credit for a full year of employment. At least 30 consecutive days of employment in the same district in a successive year shall be sufficient to keep the service intact, and the teacher shall not lose credit for previous probationary years served. [1981 c.299 §3]

Note: 342.840 was enacted into law by the Legislative Assembly and was added to 342.805 to 342.937 but was not added to or made a part of any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.845 Contract teacher; part-time contract teacher; effect of program transfer; administrator contracts. (1) A contract teacher shall not be subjected to the requirement of annual appointment nor shall the teacher be dismissed or employed on a part-time basis without the consent of the teacher except as provided in ORS 342.805 to 342.937.

(2) Notwithstanding subsection (1) of this section, a part-time contract teacher attains contract status at not less than half-time but less than full-time and may be assigned within those limits by the school district. The assignment of a contract part-time teacher is not subject to the procedures specified in ORS 342.805 to 342.930. A contract part-time teacher who accepts a full-time assignment shall be considered a contract teacher for purposes of the assignment.

(3) No teacher shall be deprived of employment status solely because the duties of employment have been assumed or acquired by another school district or education ser-

vice district in a state reorganization of a regional special education program. Where such reorganization occurs, a teacher shall be transferred to the employment of the school district or education service district which assumed or acquired program responsibilities. The teacher shall be allowed to transfer accrued sick leave and experience status to the new district. However, the district to which the programs are transferred is obligated to hire displaced employees only to the extent that such would complement a cost effective staffing plan in the reorganized program.

(4)(a) As used in this subsection:

(A) "Juvenile detention education program" means the Juvenile Detention Education Program, as defined in ORS 326.695.

(B) "School district" means a school district as defined in ORS 332.002, an education service district, a state-operated school or any legally constituted combination of such entities.

(b) No teacher shall be deprived of employment status solely because the duties of employment have been assumed or acquired by another school district or education service district pursuant to a transfer of juvenile detention education program responsibilities to another school district or education service district. Where such reorganization occurs, a teacher shall be transferred to the employment of the school district or education service district that assumed or acquired program responsibilities. The teacher shall be allowed to transfer accrued sick leave, seniority and status as a contract teacher. However, the district to which the program is transferred is obligated to hire displaced teachers only to the extent that such would complement a cost-effective staffing plan in the reorganized program.

(5)(a) An administrator shall serve a probationary period that does not exceed three years, unless the administrator and the school district mutually agree to a shorter time period. Following a probationary period, an administrator shall be employed by a school district pursuant to a three-year employment contract. An administrator may be dismissed or have a reduction in pay during the term of a contract for any reason set forth for dismissal of a teacher in ORS 342.865, or pursuant to ORS 342.934 (5). If an administrator is dismissed or has a reduction in pay during the term of the contract, the administrator may appeal to the Fair Dismissal Appeals Board in the same manner as provided for the appeal of a dismissal or a nonextension of a contract teacher. An administrator may not appeal the nonextension of a contract to the Fair Dismissal Appeals Board.

(b) The administrator may be assigned and reassigned at will during the term of the contract.

(c) The district school board may elect not to extend the administrator's contract for any cause the school board in good faith considers sufficient. Prior to March 15 of the second year of the administrator's contract, the school board shall take one of the following actions:

(A) Issue a new three-year contract effective July 1 following the March 15 of the second year of the administrator's contract;

(B) Provide, in writing, notice that the contract will not be renewed or extended; or

(C) Extend the existing contract for a period of not more than one year.

(6) If an administrator receives notice of contract nonextension prior to the expiration of the administrator's contract, the administrator shall have the right to fill any vacant teaching position in the district for which the contract administrator is licensed and competent as defined in ORS 342.934, provided the administrator has three years' teaching experience in Oregon that has been successful, in the judgment of the district superintendent. [1965 c.608 §§5,6; 1977 c.880 §2; 1983 c.554 §1; 1983 s.s. c.1 §2; 1993 c.480 §2; 1997 c.864 §8; 2001 c.681 §9; 2007 c.858 §37]

342.850 Teacher evaluation; personnel file content; rules. (1) The district superintendent of every school district, including superintendents of education service districts, shall cause to have made at least annually but with multiple observations an evaluation of performance for each probationary teacher employed by the district. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.

(2)(a) The district school board shall develop an evaluation process in consultation with school administrators and with teachers. If the district's teachers are represented by a local bargaining organization, the board shall consult with teachers belonging to and appointed by the local bargaining organization in the consultation required by this paragraph.

(b) The district school board shall implement the evaluation process that includes:

(A) The establishment of job descriptions and performance standards which include but are not limited to items included in the job description;

(B) A preevaluation interview which includes but is not limited to the establishment of performance goals for the teacher, based on the job description and performance standards;

(C) An evaluation based on written criteria which include the performance goals;

(D) A post-evaluation interview in which:

(i) The results of the evaluation are discussed with the teacher; and

(ii) A written program of assistance for improvement is established, if one is needed to remedy any deficiency specified in ORS 342.865 (1)(a), (d), (g) or (h); and

(E) The utilization of peer assistance whenever practicable and reasonable to aid teachers to better meet the needs of students. Peer assistance shall be voluntary and subject to the terms of any applicable collective bargaining agreement. No witness or document related to the peer assistance or the record of peer assistance shall be admissible in any proceeding before the Fair Dismissal Appeals Board, or in a probationary teacher nonrenewal hearing before a school board under ORS 342.835, without the mutual consent of the district and the teacher provided with peer assistance.

(c) Nothing in this subsection is intended to prohibit a district from consulting with any other individuals.

(3) Except in those districts having an average daily membership, as defined in ORS 327.006, of fewer than 200 students, the person or persons making the evaluations must hold teaching licenses. The evaluation shall be signed by the school official who supervises the teacher and by the teacher. A copy of the evaluation shall be delivered to the teacher.

(4) The evaluation reports shall be maintained in the personnel files of the district.

(5) The evaluation report shall be placed in the teacher's personnel file only after reasonable notice to the teacher.

(6) A teacher may make a written statement relating to any evaluation, reprimand, charge, action or any matter placed in the teacher's personnel file and such teacher's statement shall be placed in the personnel file.

(7) All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. A teacher shall have the right to attach the teacher's response, or other relevant documents, to any document included under this subsection.

(8) The personnel file shall be open for inspection by the teacher, the teacher's designees and the district school board and its

designees. District school boards shall adopt rules governing access to personnel files, including rules specifying whom school officials may designate to inspect personnel files.

(9) A program of assistance for improvement or evaluation procedure shall not be technically construed, and no alleged error or unfairness in a program of assistance for improvement shall cause the overturning of a dismissal, nonextension of contract, nonrenewal of contract or other disciplinary action unless the contract teacher suffered a substantial and prejudicial impairment in the teacher's ability to comply with school district standards. [1971 c.570 §5; 1973 c.298 §3; 1973 c.458 §1; 1977 c.881 §3; 1979 c.598 §1; 1979 c.668 §2a; 1987 c.663 §1; 1989 c.491 §29; 1997 c.864 §9]

342.855 [1965 c.608 §8; repealed by 1971 c.570 §15]

342.856 Core teaching standards. (1)

The State Board of Education, in consultation with the Teacher Standards and Practices Commission, shall adopt core teaching standards to improve student academic growth and learning by:

(a) Assisting school districts in determining the effectiveness of teachers and administrators and in making human resource decisions; and

(b) Improving the professional development and the classroom and administrative practices of teachers and administrators.

(2) The core teaching standards adopted under this section must:

(a) Take into consideration multiple measures of teacher effectiveness, based on widely accepted standards of teaching that encompass a range of appropriate teaching behaviors and that use multiple evaluation methods;

(b) Take into consideration evidence of student academic growth and learning based on multiple measures of student progress, including performance data of students, schools and school districts;

(c) Be research-based;

(d) Be separately developed for teachers and administrators; and

(e) Be able to be customized for each school district, which may include individualized weighting and application of standards.

(3) The core teaching standards adopted under this section must attempt to:

(a) Strengthen the knowledge, skills, disposition and classroom and administrative practices of teachers and administrators in public schools;

(b) Refine the support, assistance and professional growth opportunities offered to a teacher or an administrator, based on the

individual needs of the teacher or administrator and the needs of the students, the school and the school district of the teacher or administrator;

(c) Allow each teacher or administrator to establish a set of classroom or administrative practices and student learning objectives that are based on the individual circumstances of the teacher or administrator, including the classroom or other assignments of the teacher or administrator;

(d) Establish a formative growth process for each teacher and administrator that supports professional learning and collaboration with other teachers and administrators; and

(e) Use evaluation methods and professional development, support and other activities that are based on curricular standards and that are targeted to the needs of each teacher and administrator.

(4) A school district board must include the core teaching standards adopted under this section for all evaluations of teachers and administrators of the school district. The standards shall be customized based on the collaborative efforts of the teachers and administrators of the school district and the exclusive bargaining representative of the employees of the school district. [2011 c.729 §2; 2011 c.729 §4]

Note: 342.856 was added to and made a part of 342.805 to 342.937 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.865 Grounds for dismissal or contract nonextension of contract teacher.

(1) No contract teacher shall be dismissed or the teacher's contract nonextended except for:

(a) Inefficiency;

(b) Immorality;

(c) Insubordination;

(d) Neglect of duty, including duties specified by written rule;

(e) Physical or mental incapacity;

(f) Conviction of a felony or of a crime according to the provisions of ORS 342.143;

(g) Inadequate performance;

(h) Failure to comply with such reasonable requirements as the board may prescribe to show normal improvement and evidence of professional training and growth; or

(i) Any cause which constitutes grounds for the revocation of such contract teacher's teaching license.

(2) In determining whether the professional performance of a contract teacher is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the policy of the

employing school district and to any written standards of performance which shall have been adopted by the board.

(3) Suspension or dismissal on the grounds contained in subsection (1)(e) of this section shall not disqualify the teacher involved for any of the disability benefits provided in ORS chapter 238, or any of the benefits provided in ORS 332.507.

(4) Dismissal under subsection (1)(f) of this section shall remove the individual from any school district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937. [1965 c.608 §§9,19; 1973 c.298 §4; 1977 c.860 §4; 1981 c.569 §1; 1995 c.446 §10; 1997 c.249 §104; 1997 c.864 §10; 1999 c.130 §8]

342.875 Suspension; reinstatement.

Whenever a district superintendent has reason to believe that cause exists for the dismissal of a contract teacher on any ground specified in ORS 342.865 (1)(b) to (f), and when the district superintendent is of the opinion that immediate suspension of the teacher is necessary for the best interest of education in the district, the district superintendent may suspend a contract teacher from the position without prior notice to the teacher. The teacher's salary shall continue during the first five days of the suspension period. However, within five days after such suspension becomes effective, either procedure shall be commenced for the dismissal of the teacher pursuant to the provisions of ORS 342.805 to 342.937 or the teacher must be reinstated. [1965 c.608 §7; 1971 c.570 §6; 1977 c.881 §4; 1997 c.864 §11]

342.885 [1965 c.608 §10; repealed by 1973 c.298 §9]

342.895 Contract teachers; procedure for dismissal or contract nonextension; appeal. (1) Contract teachers shall be employed by a school district pursuant to two-year employment contracts.

(2) Authority to dismiss or not extend a contract teacher is vested in the district school board subject to the provisions of the fair dismissal and contract extension procedures of ORS 342.805 to 342.937 and only after recommendation of the dismissal or nonextension of contract is given to the district school board by the superintendent.

(3)(a) At least 20 days before recommending to a board the dismissal of the contract teacher, the district superintendent shall give written notice to the contract teacher by certified mail or delivered in person of the intention to make a recommendation to dismiss the teacher. The notice shall set forth the statutory grounds upon which the superintendent believes such dismissal is justified, and shall contain a plain and concise statement of the facts relied on to support the statutory grounds for dis-

missal. If the statutory grounds specified are those specified in ORS 342.865 (1)(a), (c), (d), (g) or (h), then evidence shall be limited to those allegations supported by statements in the personnel file of the teacher on the date of the notice to recommend dismissal, maintained as required in ORS 342.850. Notice shall also be sent to the district school board and to the Fair Dismissal Appeals Board. A copy of ORS 342.805 to 342.937 shall also be sent to the contract teacher.

(b) If, after the 20-day notice required by paragraph (a) of this subsection, the district school board takes action to approve the recommendation for dismissal from the superintendent, the dismissal takes effect on or after the date of the district school board's action, as specified by the board. Notice of the board's action shall be given to the contract teacher as soon as practicable by certified mail, return receipt requested or in the manner provided by law for the service of a summons in a civil action.

(4)(a) Upon recommendation of the district superintendent, the district school board may extend a contract teacher's employment for a new two-year term by providing written notice to the teacher no later than March 15 of the first year of the contract. Any new contract that extends the teacher's employment for a new term shall replace any prior contracts.

(b) If the district school board does not extend a contract teacher's contract by March 15 of the first year of the contract, the district superintendent, or the superintendent's designee, shall place the teacher on a program of assistance for improvement. The district superintendent or the superintendent's designee may, in addition, place any other teacher on a program of assistance for improvement if in the judgment of the district superintendent or designee a program of assistance for improvement is needed.

(c) Provided that the district school board has not extended the teacher's contract for a new two-year term, the district board, upon recommendation of the superintendent, may elect by written notice to the teacher no later than March 15 of the second year of the teacher's contract not to extend the teacher's contract based on any ground specified in ORS 342.865. A contract teacher whose contract is not extended may appeal the nonextension to the Fair Dismissal Appeals Board.

(5) Notwithstanding ORS 243.650 to 243.782 or the provisions of any collective bargaining agreement entered into after August 15, 1997, no grievance or other claim of violation of applicable evaluation procedures, or fundamental unfairness in a program of

assistance for improvement, shall be filed while a teacher is on a program of assistance. All statutes of limitation and grievance timelines shall be tolled while the subject claims are held in abeyance under this moratorium provision. Except as provided in this subsection, the moratorium and tolling period ends on the date the program of assistance for improvement is completed, not to exceed one year, after which any claims subject to this provision may be pursued as otherwise provided by law or contract. In the case of a contract teacher who does not receive contract extension by March 15 of the first year of the teacher's contract, the moratorium period shall last until the teacher receives notice of contract extension or nonextension and no later than March 15 of the following school year, or until the teacher receives notice of dismissal. A contract teacher who is dismissed or receives notice of contract nonextension, and who appeals to the Fair Dismissal Appeals Board, may raise any claims subject to this moratorium provision before the Fair Dismissal Appeals Board, which shall have jurisdiction to decide such claims. If the teacher does raise claims covered by this moratorium provision in an appeal to the Fair Dismissal Appeals Board, such appeal shall be the teacher's sole and exclusive remedy. If a contract teacher does not appeal a contract nonextension or dismissal to the Fair Dismissal Appeals Board but instead pursues contract grievances to arbitration alleging a violation of evaluation procedures or fundamental unfairness in a program of assistance for improvement, the arbitrator shall not have authority to award reinstatement of the contract teacher, but may award other remedies including but not limited to back pay, front pay, compensatory damages and such further relief as the arbitrator deems appropriate. A program of assistance for improvement shall not be technically construed, and no alleged error or unfairness in a program of assistance shall cause the overturning of a dismissal, nonextension of contract, nonrenewal of contract or other disciplinary actions unless the contract teacher suffered a substantial and prejudicial impairment in the teacher's ability to comply with school district standards.

(6) No teacher may be dismissed, laid off or caused to suffer nonextension or nonrenewal of a contract based upon the teacher's salary placement or other compensation. [1965 c.608 §11; 1971 c.570 §7; 1973 c.298 §5; 1977 c.881 §5; 1979 c.668 §3; 1997 c.864 §12]

342.905 Appeal procedure; arbitration as alternative. (1) If the district school board dismisses the teacher or does not extend the contract of the contract teacher, the teacher or the teacher's representative may

appeal that decision to the Fair Dismissal Appeals Board established under ORS 342.930 by depositing by certified mail addressed to the Superintendent of Public Instruction and a copy to the superintendent of the school district:

(a) In the case of dismissal, within 10 days, as provided in ORS 174.120, after receipt of notice of the district school board's decision, notice of appeal with a brief statement giving the reasons for the appeal.

(b) In the case of a contract nonextension, within 15 days, as provided in ORS 174.120, after receipt of the written notice of nonextension of a contract, notice of appeal with a brief statement giving the reasons for the appeal.

(2)(a) As soon as practicable after the time the notice of appeal is received by the Superintendent of Public Instruction, the superintendent shall appoint a panel of three members from the Fair Dismissal Appeals Board for the purpose of conducting a hearing. Insofar as practicable, the panel shall be selected from those members of the board serving in positions where the average daily membership as determined in ORS 342.930 most nearly coincides with that of the involved district. The panel shall consist of:

(A) One member from the category representing district school board members;

(B) One member from the category not affiliated with common or union high school districts; and

(C) One member from the category representing teachers or administrators, as follows:

(i) If the appeal is from a contract teacher in a teaching position, the panel shall include the teacher member of the board.

(ii) If the contract teacher is in an administrative position, an administrative member shall sit in place of the teacher member.

(b) The panel may not contain a member who is a resident of the district that is bringing the dismissal or nonextension.

(c) The Department of Education, at the department's expense, shall provide to the panel appropriate professional and other special assistance reasonably required to conduct a hearing. The panel shall be empowered, on behalf of the contract teacher, the district superintendent and the district school board, to subpoena and swear witnesses and to require witnesses to give testimony and produce relevant evidence at or prior to the hearing.

(d) The executive secretary of the board may issue subpoenas on behalf of a panel. A

person subpoenaed under this subsection may move to quash or modify the subpoena if it is oppressive or unreasonable. The motion must be made before the time specified in the subpoena for appearance or production of materials. The motion may be made to the executive secretary or the panel.

(e) In a case pending before a panel that involves a teacher's performance at an Oregon Youth Authority facility, the panel assigned to the case may submit to the Director of the Oregon Youth Authority written questions that the panel unanimously agrees are relevant to the case. The director shall respond to the panel's questions in writing within 20 days of the director's receipt of the questions from the panel. If a question by the panel seeks information that is not confidential or privileged under Oregon or federal law, the director shall provide the information requested by the panel. If a question by the panel seeks information that is confidential or privileged under Oregon or federal law, the director, in responding to the question, may not disclose the confidential or privileged information but shall instead explain that the information being sought is confidential or privileged. The procedure outlined in this paragraph is not in lieu of any other mechanism that may be available to the panel or parties for obtaining or presenting evidence.

(3) The Attorney General shall assign an assistant, at no cost to either involved party, to advise the Fair Dismissal Appeals Board, to be present at any hearing held by a panel, and to perform those tasks at the request of the board that would normally require legal training.

(4) Within 10 days after receipt of the notice of an appeal of contract nonextension, the district shall serve upon the Fair Dismissal Appeals Board and the teacher a written statement of reason for the contract nonextension, which shall include:

(a) A plain and concise statement of the facts relied on to support the statutory grounds for nonextension of the contract;

(b) The statutory grounds upon which the district believes such contract nonextension is justified; and

(c) A list of witnesses and documents upon which the district will rely at hearing.

(5)(a) At least 10 days prior to the hearing, the teacher shall provide a list of witnesses and exhibits to the Fair Dismissal Appeals Board panel and the school district.

(b) The Fair Dismissal Appeals Board panel shall hold a contested case hearing under ORS chapter 183 within 100 days of the receipt by the teacher of notice of dismissal or of the statement of reasons in the

case of contract nonextension. No later than 140 days after the filing of an appeal, consistent with due process, the Fair Dismissal Appeals Board panel shall prepare and send a written decision to the contract teacher, the district superintendent, the district school board and the Superintendent of Public Instruction. The hearing shall be private unless the teacher requests a public hearing. At the hearing, the district and the contract teacher shall have the right to be present and be heard, to be represented by counsel, to present evidence and cross-examine adverse witnesses and to offer evidence that in the panel's judgment is relevant to the dispute. The panel may take all reasonable steps to require the parties to conclude the hearing in an expeditious manner.

(6) When the Fair Dismissal Appeals Board panel has completed its hearing, it shall prepare a written decision and send it to the contract teacher, the district superintendent, the district school board and the Superintendent of Public Instruction. The Fair Dismissal Appeals Board panel shall determine whether the facts relied upon to support the statutory grounds cited for dismissal or nonextension are true and substantiated. If the panel finds these facts true and substantiated, it shall then consider whether such facts, in light of all the circumstances and additional facts developed at the hearing that are relevant to the statutory standards in ORS 342.865 (1), are adequate to justify the statutory grounds cited. In making such determination, the panel shall consider all reasonable written rules, policies and standards of performance adopted by the school district board unless it finds that such rules, policies and standards have been so inconsistently applied as to amount to arbitrariness. The panel shall not reverse the dismissal or nonextension if it finds the facts relied upon are true and substantiated unless it determines, in light of all the evidence and for reasons stated with specificity in its findings and order, that the dismissal or nonextension was unreasonable, arbitrary or clearly an excessive remedy.

(7)(a) Subject to subsection (6) of this section and paragraph (b) of this subsection, if the Fair Dismissal Appeals Board panel finds that the facts relied on to support the recommendation of the district superintendent are untrue or unsubstantiated, or if true and substantiated, are not adequate to justify the statutory grounds cited as reason for the dismissal or nonextension, and so notifies the contract teacher, the district superintendent, the district school board and the Superintendent of Public Instruction, the teacher shall be reinstated and the teacher shall receive such back pay as ordered by the Fair Dismissal Appeals Board panel for the period

between the effective date of the dismissal or nonextension and the date of the order reinstating the teacher, or the date when the district actually reinstates the teacher, whichever is later. However, nothing in this section requires a school district to pay the teacher until the reinstatement occurs if the district has other legal grounds for not reinstating the teacher.

(b) So long as the right of the district board under subsection (9) of this section and under ORS 183.480 and 183.500 to judicial review of the action of the Fair Dismissal Appeals Board remains unexpired, the district school board may withhold the reinstated teacher from performance of teaching duties, unless otherwise ordered by the court having jurisdiction of the appeal.

(c) Subject to ORS 342.850 (9), if the Fair Dismissal Appeals Board panel determines that the procedures described in ORS 342.850 (2)(b)(A) to (D) have not been substantially complied with, the teacher may be reinstated with back pay as provided in paragraph (a) of this subsection.

(8) Subject to subsection (6) of this section, if the Fair Dismissal Appeals Board panel finds the facts relied on to support the recommendation of the district superintendent true and substantiated, and that those facts justify the statutory grounds cited as reason for the dismissal or nonextension and so notifies the contract teacher, the district superintendent, the district school board and the Superintendent of Public Instruction in writing, the dismissal or nonextension becomes final on the date of the notice.

(9) An appeal from action of the Fair Dismissal Appeals Board panel shall be taken in the manner provided in ORS 183.480.

(10)(a) If both the district board and the teacher or teacher's representative agree, arbitration may be used as an alternative to a hearing before a Fair Dismissal Appeals Board panel to determine if the teacher's dismissal or nonextension of a contract is in compliance with the standards of ORS 342.805 to 342.910. If the teacher or teacher's representative desires to use the arbitration procedure, the request for arbitration shall be included in the request for appeal that is filed with the Superintendent of Public Instruction under this section. Within 10 days of the time the superintendent of the district is notified of the teacher's intent to appeal the dismissal or nonextension of a contract, the superintendent of the district shall notify the teacher or teacher's representative and the Superintendent of Public Instruction as to whether the district has agreed to use the arbitration procedure. If the district determines not to use the arbitration procedure, the hearing procedure shall be continued

under this section in the same manner as if no request for arbitration had been made. If the arbitration procedure is used, the teacher has no further rights to a hearing before a Fair Dismissal Appeals Board panel.

(b) The procedures for selection of the arbitrator are those in the applicable collective bargaining agreement. If there is no provision or agreement or if the agreement does not contain a procedure for selection, the parties shall request a list of five arbitrators from the Employment Relations Board and shall choose an arbitrator by alternative striking of names until one name is left. The remaining person shall act as the arbitrator. The Employment Relations Board shall compile a roster of qualified arbitrators from which the lists are to be taken.

(c) In determining whether the district board's dismissal or nonextension of the teacher should be sustained, the arbitrator shall use the same reasons, rules and levels of evidence as are required for the Fair Dismissal Appeals Board under ORS 342.805 to 342.910. [1965 c.608 §12; 1971 c.570 §8; 1973 c.298 §6; 1973 c.612 §14; 1977 c.223 §1; 1977 c.400 §5; 1977 c.881 §6; 1979 c.668 §4; 1987 c.663 §2; 1993 c.236 §1; 1993 c.237 §1; 1993 c.778 §28; 1997 c.864 §13; 2001 c.449 §1; 2003 c.798 §4]

342.910 Waiver of contract grievance claim if appeal of dismissal decision filed; waiver of certain rights and procedures.

(1) Any teacher who files an appeal of a dismissal or nonextension of a contract decision with the Fair Dismissal Appeals Board, upon motion of the school district, shall be required to waive any contract grievance claim regarding the same dismissal or nonextension of a contract as a condition to Fair Dismissal Appeals Board or subsequent judicial review.

(2) A school district and an exclusive bargaining representative of teachers may agree to waive all or any part of the rights and procedures provided under ORS 342.805 to 342.937 if third party review of any dismissal or nonextension of a contract teacher is available. [1995 c.286 §16; 1997 c.864 §14]

342.915 [1965 c.608 §13; 1971 c.570 §9; 1979 c.668 §5; repealed by 1997 c.864 §29]

342.925 [1965 c.608 §14; repealed by 1971 c.570 §15]

342.930 Fair Dismissal Appeals Board; rules. (1) The Fair Dismissal Appeals Board is created, consisting of 24 members appointed by the Governor, subject to confirmation by the Senate as provided in ORS 171.562 and 171.565.

(2)(a) The membership of the board shall be as follows:

(A) Six members must be administrators in common or union high school districts;

(B) Six members must be contract teachers;

(C) Six members must be members of common or union high school district boards at the time of their appointment; and

(D) Six members may not have any affiliation with any common or union high school district.

(b) One member from each category described in paragraph (a)(A) and (B) of this subsection may be retired prior to appointment if the member had been previously employed as an administrator or a contract teacher in this state.

(c) At least one member from each category described in paragraph (a) of this subsection must be resident of a school district so that each type of school district described below is represented:

(A) A school district with an average daily membership, as defined in ORS 327.006, of less than 1,500 students;

(B) A school district with an average daily membership, as defined in ORS 327.006, of 1,500 to 4,500 students; and

(C) A school district with an average daily membership, as defined in ORS 327.006, of greater than 4,500 students.

(3) Except as provided in subsection (4) of this section, the term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) A member whose term has expired may continue to serve for the following limited purposes:

(a) To conduct a hearing and prepare a written decision if the member was appointed to a panel in accordance with ORS 342.905 (2) before the expiration of the member's term; or

(b) To reconsider a decision if the member served on the panel originally hearing an appeal and a motion for reconsideration is filed prior to an appeal to the Court of Appeals.

(5) The continued service of a member as provided in subsection (4) of this section shall not prevent a successor from taking office at the time prescribed in subsection (3) of this section.

(6) Members shall be entitled to compensation and expenses as provided in ORS 292.495 for each day or part thereof during which they perform duties under ORS 342.805, 342.815, 342.835, 342.850, 342.875, 342.895 to 342.910 and this section, to be paid

by the district school board from which the appeal is taken. However, any member of the board who would be entitled to receive a per diem except for being employed in full-time public service may receive the payment if service on the board is performed while the member is not under obligation to perform contractual teaching or administrative duties.

(7) The board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(8) A majority of the members of the board constitutes a quorum for the transaction of business.

(9) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules necessary for the administration of this section and ORS 342.905 and 342.910. [1971 c.570 §10; 1973 c.298 §7; 1977 c.881 §7; 1983 c.777 §1; 1985 c.216 §1; 1997 c.864 §14a; 2001 c.449 §2; 2013 c.18 §1]

342.934 Procedure for reduction of teacher staff due to funding or administrative decision.

(1) The procedure for reduction in teacher staff positions resulting from the school district's lack of funds to continue its educational program at its anticipated level or resulting from the district's elimination or adjustment of classes due to administrative decision shall be as provided in this section. However, nothing in this section is intended to interfere with the right of a fair dismissal district to discharge, remove or fail to renew the contract of a probationary teacher pursuant to ORS 342.835.

(2) The school district shall make every reasonable effort to:

(a) Transfer teachers of courses scheduled for discontinuation to other teaching positions for which they are licensed and qualified.

(b) Combine teaching positions in a manner which allows teachers to remain qualified so long as the combined positions meet the curriculum needs of the district and the competence consideration specified in subsection (4) of this section.

(3) In determining teachers to be retained when a school district reduces its staff under this section, the school district shall:

(a) Determine whether teachers to be retained hold proper licenses at the time of layoff to fill the remaining positions.

(b) Determine seniority of teachers to be retained, calculated from the first day of actual service as teachers with the school district inclusive of approved leaves of absence. Ties shall be broken by drawing lots.

(c) Determine competence and merit of teachers, if necessary, under subsection (4) of this section.

(4) If a school district desires to retain a teacher with less seniority than a teacher being released under this section, the district shall determine that the teacher being retained has more competence or merit than the teacher with more seniority who is being released.

(5) An administrator shall retain status and seniority as a contract teacher and voluntarily may return to teaching in a reduction in staff situation. However, an administrator who was never employed as a teacher in the district shall not be eligible to become a nonadministrative teacher in the district if the effect is to displace a nonadministrative contract teacher.

(6) In consultation with its employees or, for those employees in a recognized or certified collective bargaining unit, with the exclusive bargaining representative of that unit, each school district shall establish a procedure for recalling teachers to employment in the district who have been released because of a prospective or actual reduction in staff. The procedure so established shall define the criteria for recall and the teacher shall have the right of recall thereunder for 27 months after the last date of release by the district unless waived as provided in such procedure by rejection of a specific position. A contract teacher who is recalled shall retain the status obtained before the release. A probationary teacher who is recalled shall have years taught for the district counted as if the employment had been continuous for purposes of obtaining contract teacher status.

(7) An appeal from a decision on reduction in staff or recall under this section shall be by arbitration under the rules of the Employment Relations Board or by a procedure mutually agreed upon by the employee representatives and the employer. The results of the procedure shall be final and binding on the parties. Appeals from multiple reductions may be considered in a single arbitration. The arbitrator is authorized to reverse the staff reduction decision or the recall decision made by the district only if the district:

- (a) Exceeded its jurisdiction;
- (b) Failed to follow the procedure applicable to the matter before it;
- (c) Made a finding or order not supported by substantial evidence in the whole record; or

(d) Improperly construed the applicable law.

(8) After August 15, 1997, a school district shall not agree in any collective bargaining agreement to waive the right to consider competence in making decisions about the order of reduction in staff or recall of staff. Nothing in this subsection shall prevent a school district and the exclusive bargaining representative from agreeing to alternative criteria for competence determinations under this subsection so long as the criteria ensure that all retained teachers are qualified for the positions they fill. As used in this subsection, “qualified” means the measurement of the teacher’s ability to teach the particular grade level or subject matter in which the teacher is placed after the reduction in force. Qualifications shall be measured by more than seniority and licensure, but may include other criteria that reasonably measure the teacher’s fitness to teach the relevant grade or subject level. Determinations of competence or qualifications under this subsection may take into account requirements for any special needs students.

(9) As used in this section:

(a) “Competence” means the ability to teach a subject or grade level based on recent teaching experience related to that subject or grade level within the last five years, or educational attainments, or both, but not based solely on being licensed to teach. The district may consider a teacher’s willingness to undergo additional training or pursue additional education in deciding upon questions of competence.

(b) “Merit” means the measurement of one teacher’s ability and effectiveness against the ability and effectiveness of another teacher. [1981 c.569 §3; 1983 s.s. c.1 §1; 1989 c.282 §1; 1993 c.480 §1; 1997 c.864 §15]

342.935 [1965 c.608 §15; repealed by 1971 c.570 §15; see 342.960]

342.937 Reimbursement for teacher dismissal costs. The Superintendent of Public Instruction may reimburse any school districts for all or part of the costs reasonably related to a dismissal of a contract teacher or nonextension of a contract teacher’s contract, or appeal therefrom under ORS 342.805 to 342.937, provided that the school district is the ultimate prevailing party. The superintendent may consider the school district’s ability to pay the costs related to the dismissal or nonextension of the contract teacher, and seek such funds from the Emergency Board as may be in the superintendent’s judgment necessary to carry out this provision. [1997 c.864 §6]

EDUCATOR ADVANCEMENT COUNCIL

342.940 Educator Advancement Council; members; duties; rules. (1) As used in this section and ORS 342.943, “educator” means a teacher, administrator or other school professional who is licensed, registered or certified by the Teacher Standards and Practices Commission.

(2)(a) The Educator Advancement Council is created, as provided by ORS 190.010 (5) and with the authority described in ORS 190.110, for the purposes of providing resources related to educator professional learning and other educator supports.

(b) The council shall function through an intergovernmental agreement, as provided by ORS 190.003 to 190.130. The intergovernmental agreement shall outline the governance framework and the administrative details necessary for the efficient and effective implementation of the duties of the council.

(3)(a) The council shall consist of members who are representatives of the members of the intergovernmental agreement creating the council, including representatives of state agencies, school districts and education service districts.

(b) In addition to the members of the council specified in paragraph (a) of this subsection, the council shall consist of members who are:

(A) Practicing educators, early learning providers and professionals and school district board members; and

(B) Representatives of educator preparation providers, education-focused nonprofit organizations, education-focused philanthropic organizations, professional education associations, community-based education organizations that represent families and students, post-secondary institutions of education and federally recognized tribes of this state.

(c) The majority of the members of the council identified under paragraphs (a) and (b) of this subsection may identify additional members of the council.

(4) The council shall:

(a) Establish a system of educator networks, as described in ORS 342.943, by which every educator in this state has access to professional learning opportunities; and

(b) Connect educator networks and facilitate communications within and among the networks to improve teaching and learning.

(5) The Chief Education Office shall provide support to the strategic direction of the council by:

(a) Conducting and coordinating research to monitor:

(A) Teaching and learning conditions;

(B) Educator workforce supply and demand; and

(C) Common outcomes and measures anticipated to promote improvement in teaching and learning.

(b) Assisting the council in coordinating and connecting educator networks, supporting professional learning priorities, enabling access to professional learning and supports, leveraging funding sources and managing innovation funds.

(c) Recommending statutory and agency rule changes needed to support the purposes of the council.

(d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

(e) Supporting a statewide plan for increasing:

(A) The supply of culturally diverse teacher candidates; and

(B) The successful recruitment of effective educators to work in high-need schools and in practice areas with a shortage of educators.

(f) Identifying high-leverage educator practices to be developed by educators throughout their careers.

(g) Providing accountability of the council by ensuring that the council:

(A) Gives preference, when making recommendations about funding distributions, to entities that have demonstrated success in improving student indicators.

(B) Considers the delivery of services for the benefit of all regions of this state when establishing the system of educator networks.

(C) Works toward improving student progress indicators identified by the Chief Education Office or set forth in ORS 350.014.

(D) Includes and connects education providers and leaders from prekindergarten through post-secondary education.

(h) Providing staff support for the administrative functions of the council.

(6) The Department of Education shall provide support to the council by:

(a) Developing a system that allows for the statewide dissemination of emerging practices and evidence-based models.

(b) Providing technical assistance to the council, including online systems for sharing professional learning resources and supporting educator networks.

(c) Administering the distribution of grant and contract funds for programs described in this section.

(d) Providing administrative support to the educator networks, including:

(A) Making recommendations to the Chief Education Office and the council about the selection of the sponsors of educator networks;

(B) Providing technical assistance to educator networks; and

(C) Entering into grant agreements or contracts for the distribution of funds to educator networks.

(7)(a) The Chief Education Office, the State Board of Education and the Teacher Standards and Practices Commission may adopt any rules necessary at the request of the council to support the council or to perform any duties assigned to the office, board or commission under this section.

(b) The council may adopt rules pursuant to ORS chapter 183 for the purpose of ORS 342.943. [2017 c.639 §1]

Note: The amendments to 342.940 by sections 20 and 25, chapter 639, Oregon Laws 2017, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017, and see section 24, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

342.940. (1) As used in this section and ORS 342.943, "educator" means a teacher, administrator or other school professional who is licensed, registered or certified by the Teacher Standards and Practices Commission.

(2)(a) The Educator Advancement Council is created, as provided by ORS 190.010 (5) and with the authority described in ORS 190.110, for the purposes of providing resources related to educator professional learning and other educator supports.

(b) The council shall function through an intergovernmental agreement, as provided by ORS 190.003 to 190.130. The intergovernmental agreement shall outline the governance framework and the administrative details necessary for the efficient and effective implementation of the duties of the council.

(3)(a) The council shall consist of members who are representatives of the members of the intergovernmental agreement creating the council, including representatives of state agencies, school districts and education service districts.

(b) In addition to the members of the council specified in paragraph (a) of this subsection, the council shall consist of members who are:

(A) Practicing educators, early learning providers and professionals and school district board members; and

(B) Representatives of educator preparation providers, education-focused nonprofit organizations, education-focused philanthropic organizations, professional education associations, community-based education organizations that represent families and students, post-secondary institutions of education and federally recognized tribes of this state.

(c) The majority of the members of the council identified under paragraphs (a) and (b) of this subsection may identify additional members of the council.

(4) The council shall:

(a) Establish a system of educator networks, as described in ORS 342.943, by which every educator in this state has access to professional learning opportunities;

(b) Coordinate the distribution of moneys to educator networks from the Educator Advancement Fund based on the needs of the educators identified by the networks;

(c) Connect educator networks and facilitate communications within and among the networks to improve teaching and learning; and

(d) Continuously assess the needs of educators in this state and coordinate priorities based on the moneys available for distribution from the Educator Advancement Fund.

(5) The Department of Education shall provide support to the strategic direction of the council by:

(a) Conducting and coordinating research to monitor:

(A) Teaching and learning conditions;

(B) Educator workforce supply and demand; and

(C) Common outcomes and measures anticipated to promote improvement in teaching and learning.

(b) Assisting the council in coordinating and connecting educator networks, supporting professional learning priorities, enabling access to professional learning and supports, leveraging funding sources and managing innovation funds.

(c) Recommending statutory and agency rule changes needed to support the purposes of the council.

(d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

(e) Supporting a statewide plan for increasing:

(A) The supply of culturally diverse teacher candidates; and

(B) The successful recruitment of effective educators to work in high-need schools and in practice areas with a shortage of educators.

(f) Identifying high-leverage educator practices to be developed by educators throughout their careers.

(g) Providing accountability of the council by ensuring that the council:

(A) Gives preference, when making recommendations about funding distributions, to entities that have demonstrated success in improving student indicators.

(B) Considers the delivery of services for the benefit of all regions of this state when establishing the system of educator networks.

(C) Works toward improving student progress indicators identified by the Department of Education or set forth in ORS 350.014.

(D) Includes and connects education providers and leaders from prekindergarten through post-secondary education.

(h) Providing staff support for the administrative functions of the council.

(i) Developing a system that allows for the statewide dissemination of emerging practices and evidence-based models.

(j) Providing technical assistance to the council, including online systems for sharing professional learning resources and supporting educator networks.

(k) Administering the distribution of grant and contract funds for programs described in this section.

(L) Providing administrative support to the educator networks, including:

(A) Making recommendations to the council about the selection of the sponsors of educator networks;

(B) Providing technical assistance to educator networks; and

(C) Entering into grant agreements or contracts for the distribution of funds to educator networks.

(6)(a) The State Board of Education and the Teacher Standards and Practices Commission may adopt any rules necessary at the request of the council to support the council or to perform any duties assigned to the board or commission under this section.

(b) The council may adopt rules pursuant to ORS chapter 183 for the purpose of ORS 342.943.

Note: 342.940 and 342.943 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

342.943 System of educator networks; eligibility; duties. (1) The Educator Advancement Council shall establish a system of educator networks, including prescribing characteristics of educator networks and selecting the entities to serve as educator networks.

(2) An entity is eligible to sponsor an educator network if the entity:

(a) Is a school district, an education service district, a nonprofit organization, a post-secondary institution of education, a federally recognized tribe of this state or a consortium that is any combination of the entities described in this paragraph;

(b) Has demonstrated the ability to oversee the use of funds in support of professional development, mentoring or other direct supports to educators;

(c) Has demonstrated a commitment to equity-driven policies and practices;

(d) Has the capacity to coordinate services across the region served by the educator network;

(e) Has demonstrated experience in developing and managing partnerships; and

(f) Has, or agrees to establish, a coordinating body for the educator network that includes:

(A) A majority of educators who are based in schools from different grades and content areas and who are reflective of the student demographics of the region served by the educator network; and

(B) Members representing state agencies, school districts, education service districts, early learning providers and professionals, school board members, educator preparation providers, education-focused nonprofit organizations, education-focused philanthropic organizations, professional education associations, community-based education or-

ganizations that represent families and students, post-secondary institutions of education and federally recognized tribes of this state.

(3) Each educator network shall:

(a) Establish professional educator priorities that reflect local needs for each school and school district served by the educator network based on professional learning plans submitted by educators;

(b) Ensure equitable access by educators to resources that are distributed through the council;

(c) Pursue state and other funds and resources on behalf of the members of the educator network and the educators served by the educator network; and

(d) Coordinate communications and accountability for resources distributed through the council to educators served by the educator network.

(4) When establishing professional educator priorities that reflect local needs, each educator network shall strive to:

(a) Enhance a culture of leadership and collaborative responsibility that elevates and advances the teaching profession among professionals employed by early learning services, schools serving students in kindergarten through grade 12, education service districts, educator preparation providers, nonprofit organizations, professional associations and community-based organizations.

(b) Enhance access for educators to high-quality professional learning that:

(A) Supports culturally responsive practices;

(B) Is guided by the needs of educators served by the educator network;

(C) Maximizes collaborative leadership among teachers and administrators; and

(D) Reflects professional learning standards.

(c) Strengthen and enhance existing evidence-based practices that improve student achievement and that reflect changing students needs and demographics.

(d) Improve the recruitment, preparation, induction and support of educators at each stage of the educators' careers.

(e) Enhance leadership and career advancement opportunities for teachers and increase the perspectives of teachers in identifying priorities for funding educator professional learning and educator supports.

(5) Any school district, education service district or post-secondary institution of education that is a member of an educator net-

work may serve as the fiscal agent for the educator network. [2017 c.639 §2]

Note: See second note under 342.940.

342.945 [1965 c.608 §16; repealed by 1971 c.570 §15]

NETWORK OF QUALITY TEACHING AND LEARNING

342.950 Network of Quality Teaching and Learning; rules. (1) The Network of Quality Teaching and Learning is established. The network consists of the Chief Education Office 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 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, 329.824, 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 schools, school districts, education service districts, nonprofit organizations, post-secondary institutions and consortiums that are any combination of those entities for the purpose of supporting the implementation and delivery of common core state standards and other state standards that indicate whether a student is prepared for college.

(b) To school districts, education service districts and nonprofit organizations for the purpose of providing teacher and administrator evaluations and aligned professional development in a manner that complies with the core teaching standards adopted as provided by ORS 342.856 and 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, education service 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, education service districts, nonprofit organizations, post-secondary institutions and the tribes of this state for the purpose of closing achievement gaps by providing and improving the effectiveness of instruction and professional development, implementing data-driven decision making, supporting practice communities and implementing culturally responsive practices.

(f) To school districts, nonprofit organizations and post-secondary institutions for the purposes of:

(A) Strengthening educator programs for educators at all levels to:

(i) Improve educator preparation, recruitment and leadership.

(ii) Advance the purposes of the Educators Equity Act, to improve the cultural competence of educators and to ensure educators are trained in culturally relevant educational practices.

(B) 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.

(g) To school districts to ensure that a sufficient number of kindergarten through grade five teachers have received training to understand and recognize dyslexia and to implement appropriate instruction.

(h) To school districts for the design and implementation of programs to provide professional development to educators on strategies that decrease rates of school absenteeism among students by using trauma-informed approaches in schools.

(i) To educator networks established under ORS 342.943 for the purpose of supporting educator networks.

(4) The Chief Education Office shall provide strategic direction to the network by:

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

(b) Convening the Educator Advancement Council created by ORS 342.940 to guide network activities and expand the implementation of effective practices.

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

(d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

(e) 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 student progress indicators for students who are enrolled in an English language learner program under ORS 336.079 and for students with disabilities.

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

(6) The Chief Education Office 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 progress indicators.

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

(c) Is accountable for improving student progress indicators identified by the Chief Education Office or set forth in ORS 350.014.

(d) Includes and connects education providers and leaders from prekindergarten 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 Chief Education Office or the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, the following are not considered administrative costs:

(a) Technical assistance and direct program services provided to school districts and nonprofit organizations; and

(b) Any administrative costs incurred under ORS 329.838 related to the administration of the School District Collaboration Grant Program.

(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 Chief Education Office. Any rules adopted by the State Board of Education must be consistent with this section and with actions taken by the Chief Education Office to implement this section. [2013 c.661 §§1,2; 2015 c.27 §§36,37; 2015 c.188 §§13,14; 2015 c.245 §§27,28; 2015 c.487 §§1,2; 2015 c.604 §§17,18; 2015 c.647 §§29,30; 2015 c.774 §§25,57; 2015 c.790 §§8b,8c; 2016 c.8 §§1,2; 2017 c.639 §§4,10]

Note 1: The amendments to 342.950 by section 10, chapter 639, Oregon Laws 2017, become operative June 30, 2018. See section 18, chapter 639, Oregon Laws 2017. The text that is operative until June 30, 2018, including amendments by section 1, chapter 8, Oregon Laws 2016, and section 4, chapter 639, Oregon Laws 2017, is set forth for the user's convenience.

342.950. (1) The Network of Quality Teaching and Learning is established. The network consists of the Chief Education Office 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 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, 329.824, 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 schools, school districts, education service districts, nonprofit organizations, post-secondary institutions and consortiums that are any combination of those entities for the purpose of supporting the implementation and delivery of common core state standards and other state standards that indicate whether a student is prepared for college.

(b) To school districts, education service districts and nonprofit organizations for the purpose of providing teacher and administrator evaluations and aligned professional development in a manner that complies with the core teaching standards adopted as provided by ORS 342.856 and 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, education service 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, education service districts, nonprofit organizations, post-secondary institutions and the tribes of this state for the purpose of closing

achievement gaps by providing and improving the effectiveness of instruction and professional development, implementing data-driven decision making, supporting practice communities and implementing culturally responsive practices.

(f) To school districts, nonprofit organizations and post-secondary institutions for the purposes of:

(A) Strengthening educator programs for educators at all levels to:

(i) Improve educator preparation, recruitment and leadership.

(ii) Advance the purposes of the Educators Equity Act, to improve the cultural competence of educators and to ensure educators are trained in culturally relevant educational practices.

(B) 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.

(g) To school districts to ensure that a sufficient number of kindergarten through grade five teachers have received training to understand and recognize dyslexia and to implement appropriate instruction.

(h) To school districts for the design and implementation of programs to provide professional development to educators on strategies that decrease rates of school absenteeism among students by using trauma-informed approaches in schools.

(4) The Chief Education Office shall provide strategic direction to the network by:

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

(b) Convening the Educator Advancement Council created by ORS 342.940 to guide network activities and expand the implementation of effective practices.

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

(d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

(e) 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 student progress indicators for students who are enrolled in an English language learner program under ORS 336.079 and for students with disabilities.

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

(6) The Chief Education Office 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 progress indicators.

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

(c) Is accountable for improving student progress indicators identified by the Chief Education Office or set forth in ORS 350.014.

(d) Includes and connects education providers and leaders from prekindergarten 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 Chief Education Office or the Department of Education for administrative costs incurred under this section. For the purpose of this subsection, the following are not considered administrative costs:

(a) Technical assistance and direct program services provided to school districts and nonprofit organizations; and

(b) Any administrative costs incurred under ORS 329.838 related to the administration of the School District Collaboration Grant Program.

(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 Chief Education Office. Any rules adopted by the State Board of Education must be consistent with this section and with actions taken by the Chief Education Office to implement this section.

Note 2: 342.950 is repealed June 30, 2019. See sections 19 and 24, chapter 639, Oregon Laws 2017.

Note 3: 342.950 and 342.953 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

342.953 Network of Quality Teaching and Learning Fund. (1) The Network of Quality Teaching and Learning Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Network of Quality Teaching and Learning Fund shall be credited to the Network of Quality Teaching and Learning Fund.

(2) Moneys in the Network of Quality Teaching and Learning Fund are continuously appropriated to the Department of Education for the Network of Quality Teaching and Learning established by ORS 342.950 and for the Educator Advancement Council created by ORS 342.940.

(3) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts, grants or donations from public and private sources for the Network of Quality Teaching and Learning or for the Educator Advancement Council. Moneys received under this subsection shall be deposited into the Network of Quality Teaching and Learning Fund. [2013 c.577 §11; 2017 c.639 §5]

Note: The amendments to 342.953 by section 21, chapter 639, Oregon Laws 2017, become operative June 30, 2019. See section 24, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

342.953. (1) The Educator Advancement Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Educator Advancement Fund shall be credited to the Educator Advancement Fund.

(2) Moneys in the Educator Advancement Fund are continuously appropriated to the Department of Education for the Educator Advancement Council created by ORS 342.940.

(3) The Department of Education, on behalf of the State of Oregon, may solicit and accept gifts, grants or

donations from public and private sources for the Educator Advancement Council. Moneys received under this subsection shall be deposited into the Educator Advancement Fund.

Note: See Note 3 under 342.950.

342.955 [1965 c.608 §17; 1973 c.298 §8; 1979 c.861 §8; repealed by 1987 c.898 §28]

342.960 [1971 c.743 §359; see 342.935; repealed by 1973 c.298 §9]

MISCELLANEOUS

342.961 Internal investigations of employee misconduct or wrongdoing. Notwithstanding any other law, a district school board may conduct internal investigations of alleged employee misconduct or wrongdoing at any time. [1997 c.864 §17]

Note: 342.961 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

342.965 Interchange of teachers. A district school board may provide for the interchange of teachers with school districts of other states or countries. Teachers exchanged shall teach one year, the year's service outside the state being credited to them as service in the district in which they are regularly employed when the interchange is made. The salary of the Oregon teacher shall be paid by the Oregon school district and the salaries of the teachers from outside of Oregon shall be paid by the school districts in their respective states or countries. [Formerly 342.510]

342.970 [Formerly 342.520; repealed by 1993 c.45 §195]

342.971 Educator Preparation Improvement Fund. (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 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 educator preparation programs in this state. [2011 c.609 §2; 2015 c.245 §36; 2015 c.647 §31]

342.975 [Formerly 342.560; 1973 c.270 §16; 1977 c.783 §2; repealed by 1993 c.45 §196]

342.980 [Formerly 342.575; 1967 c.67 §15; 1973 c.270 §17; repealed by 1993 c.45 §196]

342.982 [1977 c.635 §7; renumbered 342.495]

342.985 [1991 c.710 §3; renumbered 342.156 in 2009]

342.990 [Repealed by 1965 c.100 §456]

