

Senate Bill 1013

Sponsored by COMMITTEE ON RULES

SUMMARY

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

Requires private schools to register with Department of Education. Requires administrators and teachers employed by private schools to be licensed by Teacher Standards and Practices Commission. Requires private school employees to have criminal records check.

Imposes civil penalty on private school that does not register with department.

Eliminates public charter school teacher registration established by commission. Requires administrators and teachers employed by public charter schools to be licensed by commission.

Requires any person who provides instruction for compensation to children in kindergarten through grade 12 to hold teaching license.

Becomes operative on July 1, 2008.

A BILL FOR AN ACT

1
2 Relating to education; creating new provisions; and amending ORS 181.539, 326.603, 338.135, 342.120,
3 342.121, 342.122, 342.125, 342.127, 342.135, 342.136, 342.143, 342.144, 342.165, 342.169, 342.175,
4 342.176, 342.177, 342.180, 342.200, 342.203, 342.223, 342.360, 342.390, 342.495, 342.815, 345.515,
5 345.525 and 345.992.

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

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

8 326.603. (1)[(a)] A school district **or private school** shall send to the Department of Education
9 for purposes of a criminal records check any information, including fingerprints, for each subject
10 individual described in ORS 181.539 (5)(d)(D), (E), (F), (H) or (I).

11 [(b) A private school may send to the Department of Education for purposes of a criminal records
12 check any information, including fingerprints, for each subject individual described in ORS 181.539
13 (5)(d)(D), (E), (F) or (H).]

14 (2) The Department of Education shall request criminal offender information from the Depart-
15 ment of State Police in the manner required by ORS 181.539 and shall charge the district or private
16 school a fee of \$42 for the cost of acquiring and furnishing the information described in ORS 181.525
17 and 181.539. The school district or private school may recover its costs or a portion thereof from
18 the subject individual described in ORS 181.539 (5)(d)(D), (E), (F), (H) or (I). If the subject individual
19 described in ORS 181.539 (5)(d)(E), (F) or (I) requests, the district shall and a private school may
20 withhold the amount from amounts otherwise due the individual, including a periodic payroll de-
21 duction rather than a lump sum payment.

22 (3)(a) If the Superintendent of Public Instruction informs the school district **or private school**
23 that the subject individual has been convicted of a crime listed in ORS 342.143 or has made a false
24 statement as to the conviction of a crime, the superintendent shall notify the school district **or**
25 **private school** of the fact and the district [shall] **or private school may** not employ or contract
26 with the individual. Notification by the superintendent that the school district [shall] **or private**
27 **school may** not employ or contract with the subject individual shall remove the individual from any

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

1 school district **or private school** policies, collective bargaining provisions regarding dismissal pro-
 2 cedures and appeals and the provisions of ORS 342.805 to 342.937.

3 *[(b) The Superintendent of Public Instruction shall notify the private school if the subject individ-*
 4 *ual has been convicted of a crime listed in ORS 342.143 or has made a false statement as to the con-*
 5 *viction of a crime. Based on the notice, the private school may choose not to employ or contract with*
 6 *the individual.]*

7 *[(c) (b) The criminal records are confidential and [shall] **may** not be released to the district or*
 8 *private school but are subject to inspection by the subject individual. The subject individual, other*
 9 *than a subject individual in a private school, may appeal the determination as a contested case un-*
 10 *der ORS 183.413 to 183.470 and the superintendent shall notify the subject individual of the right to*
 11 *appeal the determination.*

12 (4) If an individual described in subsection (1) of this section refuses to consent to the criminal
 13 records check or refuses to be fingerprinted or if the subject individual falsely swears to the non-
 14 conviction of a crime, the **school district or private school** shall terminate the employment or
 15 contract status of the individual. Termination under this subsection shall remove the individual from
 16 any school district **or private school** policies, collective bargaining provisions regarding dismissal
 17 procedures and appeals and the provisions of ORS 342.805 to 342.937.

18 (5) The State Board of Education by rule shall specify the information to be required by sub-
 19 section (1) of this section.

20 (6)(a) A school district *[shall]* **or private school may** not hire or continue to employ or contract
 21 with or allow the contractor to continue to assign an individual to the school project if the indi-
 22 vidual described in subsection (1) of this section has been convicted of a crime according to the
 23 provisions of ORS 342.143.

24 (b) School district **and private school** employment and contract forms shall contain a notice
 25 that employment or contracting is subject to fingerprinting and a criminal records check as required
 26 by ORS 181.525, 181.537, 181.539, 326.603, 342.223, 342.227 and 342.232.

27 (7) As used in this section and ORS 326.607:

28 (a) "Private school" means a school that provides educational services as defined in ORS 345.505
 29 and is registered as a private school under ORS 345.505 to 345.575.

30 (b) "School district" means:

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

32 (B) The Oregon State School for the Blind.

33 (C) The Oregon State School for the Deaf.

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

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

36 (F) An education service district.

37 **SECTION 2.** ORS 338.135 is amended to read:

38 338.135. (1) Employee assignment to a public charter school shall be voluntary.

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

45 (3) The school district board of the school district within which the public charter school is lo-

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

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

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

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

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

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

18 (7)(a) *Notwithstanding ORS 342.173, a public charter school may employ as an administrator a*
 19 *person who is not licensed by the Teacher Standards and Practices Commission.]*

20 [(b)] Any person employed as **an administrator or as** a teacher in a public charter school shall
 21 be licensed [*or registered*] to teach by the Teacher Standards and Practices Commission.

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

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

32 (9) A school district or the State Board of Education may not waive the right to sponsor a public
 33 charter school in a collective bargaining agreement.

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

35 342.120. As used in [*this chapter*] **ORS 342.120 to 342.430**, unless the context requires otherwise:

36 (1) "Administrator" includes all superintendents, assistant superintendents and principals in the
 37 public **or private** schools or education service districts.

38 (2) "Approved teacher education institution" is one which meets the standards of the Teacher
 39 Standards and Practices Commission for preparation of teachers for preprimary programs and grades
 40 1 through 12.

41 (3) "Approved teacher education program" is one offered by an approved teacher education in-
 42 stitution and is so recognized by the Teacher Standards and Practices Commission, after considering
 43 recommendations of the State Board of Education.

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

45 (5) "Educational assistant" means a classified school employee who does not require a license

1 to teach, who is employed by a school district, **private school** or education service district and
 2 whose assignment consists of and is limited to assisting a licensed teacher in accordance with rules
 3 established by the State Board of Education.

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

8 (7) "Intern teacher" means a regularly enrolled student of an approved teacher education insti-
 9 tution who teaches under the supervision of the staff of the institution and of the employing school
 10 district **or private school** in order to acquire practical experience in teaching and for which the
 11 student receives both academic credit from the institution and financial compensation from the
 12 school district, **private school** or education service district.

13 (8) "State board" means the State Board of Education.

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

18 (10) "Teaching license" means a license issued under ORS 342.125 or 342.144.

19 **SECTION 4.** ORS 342.121 is amended to read:

20 342.121. (1) The Teacher Standards and Practices Commission shall issue licenses to teachers
 21 and administrators who possess the minimum competencies, knowledge and skills to teach and ad-
 22 minister in *[the]* public **and private** schools of the state.

23 **(2) Any person who provides instruction for compensation to a child who is in**
 24 **kindergarten through grade 12 is required to hold a teaching license issued by the commis-**
 25 **sion.**

26 *[(2)]* **(3)** In addition to a teaching or administrative license, a person may obtain certification,
 27 indicating a higher degree of competency, knowledge and skill based on work experience and ad-
 28 vanced study, from a professional organization of teachers or administrators, either on the state or
 29 national level. However, a teaching certificate or administrative certificate *[shall]* **is** not *[be]* re-
 30 quired to teach or administer in a public **or private** school of this state.

31 **SECTION 5.** ORS 342.122 is amended to read:

32 342.122. (1) There is created the Professional Organizations Certification Fund, separate and
 33 distinct from the General Fund. Interest earned on moneys in the Professional Organizations Cer-
 34 tification Fund shall be credited to the fund.

35 (2) The Teacher Standards and Practices Commission may accept from any source any grant,
 36 donation or gift of money or other valuable thing made to the commission for purposes of the Pro-
 37 fessional Organizations Certification Fund.

38 (3) Moneys credited to the Professional Organizations Certification Fund are continuously ap-
 39 propriated to the commission for the purposes of advanced certifications of teachers and adminis-
 40 trators in accordance with ORS 342.121 *[(2)]* **(3)**. The commission may draw checks or orders upon
 41 the State Treasurer in making disbursements from the Professional Organizations Certification Fund
 42 for the purposes stated in this subsection.

43 **SECTION 6.** ORS 342.125 is amended to read:

44 342.125. (1) Teaching licenses shall be issued and renewed by the Teacher Standards and Prac-
 45 tices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and the

1 rules of the commission.

2 (2) Subject to subsection (4) of this section, teaching licenses shall be of the following types:

3 (a) Basic teaching license.

4 (b) Standard teaching license.

5 (c) Administrative license.

6 (d) Restricted teaching license.

7 (3) Subject to ORS 342.130 and to subsection (4) of this section and in addition to the teaching
8 licenses described in subsection (2) of this section, licenses shall be of the following types:

9 (a) Initial teaching license.

10 (b) Continuing teaching license.

11 (c) Initial personnel service license.

12 (d) Continuing personnel service license.

13 (e) Initial administrative license.

14 (f) Continuing administrative license.

15 (4) The Teacher Standards and Practices Commission may establish such other types of teaching
16 licenses as it considers necessary for operation of the public **or private** schools of the state and
17 may prescribe the qualifications for such licenses. However, no license established under the au-
18 thority of this subsection shall be required for a regular classroom teaching position in the public
19 **or private** schools.

20 *[(5)(a) The Teacher Standards and Practices Commission shall establish a public charter school*
21 *teacher registry. The commission shall require the applicant and the public charter school to jointly*
22 *submit an application requesting registration as a public charter school teacher. The application shall*
23 *include:]*

24 *[(A) A description of the specific teaching position the applicant will fill;]*

25 *[(B) A description of the background of the applicant that is relevant to the teaching position, in-*
26 *cluding any post-secondary education or other experience; and]*

27 *[(C) Documentation as required by the commission for the purposes of conducting a background*
28 *check through the Law Enforcement Data System, the Federal Bureau of Investigation and an inter-*
29 *state clearinghouse of revoked and suspended licenses.]*

30 *[(b) Subject to the results of the background check, the commission shall approve the application*
31 *for registration. The commission may deny a request for registration only on the basis of the back-*
32 *ground check through the Law Enforcement Data System, the Federal Bureau of Investigation or an*
33 *interstate clearinghouse of revoked and suspended licenses. The registration shall be valid for three*
34 *years and may be renewed upon joint application from the teacher and the public charter school.]*

35 *[(c) A registration as a public charter school teacher shall qualify its holder to accept the teaching*
36 *position described in the application in the public charter school that submitted the application with the*
37 *holder of the registration.]*

38 **[(6)] (5)** The Teacher Standards and Practices Commission shall adopt an expedited process for
39 the issuance of any license established pursuant to this section. The process may require a school
40 district **or private school** superintendent or school district board **or private school** and the appli-
41 cant to jointly submit an application requesting an emergency license. Within two working days af-
42 ter receiving a completed application the commission shall issue the emergency license. However,
43 the commission may limit the number of applications for expedited service from a school district,
44 **private school** or education service district to not more than 100 applications in a period of two
45 working days. For purposes of this subsection, the commission *[shall]* **may** not distinguish between

1 a school district, **private school** or education service district involved in a labor dispute and any
 2 other school district, **private school** or education service district.

3 **SECTION 7.** ORS 342.127 is amended to read:

4 342.127. (1) The Teacher Standards and Practices Commission shall establish and the commission
 5 shall collect:

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

10 (b) A fee not to exceed \$100 for the renewal of each teaching license and a fee not to exceed
 11 \$20 for each duplicate teaching license.

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

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

16 *[(e) A fee not to exceed \$50 for registration as a public charter school teacher that includes any fee
 17 charged pursuant to ORS 342.223.]*

18 *[(f) A fee not to exceed \$50 for renewal of a registration as a public charter school teacher that
 19 includes any fee charged pursuant to ORS 342.223.]*

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

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

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

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

36 (6) In addition to the fee required by subsection (1) of this section for the issuance of a teaching
 37 license, the commission shall collect a fee not to exceed \$100 for the issuance of any emergency li-
 38 cense through an expedited process at the request of any school district, **private school** or educa-
 39 tion service district that seeks to employ the applicant.

40 (7) Fee rates established under this section shall cover, but not exceed, the full cost of admin-
 41 istrative expenses incurred by the commission during any biennium.

42 **SECTION 8.** ORS 342.135 is amended to read:

43 342.135. (1) A teaching license provided for in this section shall qualify its holder to accept any
 44 instructional assignment from preprimary through grade 12 for which the holder has completed the
 45 professional requirements established by the rules of the Teacher Standards and Practices Commis-

1 sion.

2 (2) A basic teaching license shall be issued on application to an otherwise qualified person who
3 has completed an approved teacher education program and meets such other requirements as the
4 Teacher Standards and Practices Commission may consider necessary to maintain and improve
5 quality of instruction in the public **and private** schools of the state.

6 (a) Holders of the basic teaching license who meet the requirements of the Teacher Standards
7 and Practices Commission to teach in the regular classroom program of the public **or private**
8 schools, kindergarten through grade nine, may renew the basic license to qualify them to continue
9 in such teaching by verification of successful teaching experience and of continuing professional
10 development in keeping with Teacher Standards and Practices Commission rules.

11 (b) A holder of the basic teaching license with an indorsement in art, educational media, foreign
12 language, health, home economics, industrial arts, music, physical education and reading may renew
13 the initial basic license by verification of successful teaching experience and of continuing profes-
14 sional development in keeping with Teacher Standards and Practices Commission rules. This sub-
15 section applies to licenses for preprimary programs and grades 1 through 8 and shall include grade
16 9 if the teacher is teaching in a middle school or a junior high.

17 (c) Secondary teachers may teach in the public **or private** schools, grades 5 through 12, in those
18 subject fields in which they have met the requirements of the Teacher Standards and Practices
19 Commission.

20 (d) The holder of the standard teaching license who meets the requirements of the Teacher
21 Standards and Practices Commission to teach in the regular classroom program of the public **or**
22 **private** schools in kindergarten through grade 12 is eligible to renew the standard license to qualify
23 to continue in such teaching by verification of successful teaching experience and of continuing
24 professional development consistent with rules of the Teacher Standards and Practices Commission.

25 (3)(a) A standard teaching license shall be issued on application to an otherwise qualified person
26 who has completed an approved teacher education program, has taught on a basic teaching license
27 for a minimum period of time to be determined by the Teacher Standards and Practices Commission,
28 and is recommended for licensing by the approved teacher education institution or the school dis-
29 trict **or private school**, whichever offered the program.

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

34 (4) Notwithstanding subsection (2) of this section, the Teacher Standards and Practices Com-
35 mission shall by rule adopt dates by which continuing professional development is required for re-
36 newal of a basic or standard teaching license.

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

38 342.136. (1) An initial teaching, personnel service or administrative license shall qualify its
39 holder to accept any assignment from preprimary through grade 12 for which the holder has com-
40 pleted the requirements established by the rules of the Teacher Standards and Practices Commis-
41 sion.

42 (2) An initial license shall be issued on application to an otherwise qualified person who has
43 completed an approved professional education program and meets such other requirements as the
44 commission may consider necessary to maintain and improve the quality of instruction in the public
45 **or private** schools of the state.

1 (3) An initial license may be renewed if the applicant meets the requirements established by the
2 commission by rule.

3 **SECTION 10.** ORS 342.143 is amended to read:

4 342.143. (1) No teaching, personnel service or administrative license shall be issued to any per-
5 son until the person has attained the age of 18 years and has furnished satisfactory evidence of
6 proper educational training.

7 (2) The Teacher Standards and Practices Commission may also require an applicant for a
8 teaching, personnel service or administrative license to furnish evidence satisfactory to the com-
9 mission of good moral character, mental and physical health, and such other evidence as it may
10 deem necessary to establish the applicant’s fitness to serve as a teacher.

11 (3) Without limiting the powers of the Teacher Standards and Practices Commission under sub-
12 section (2) of this section and notwithstanding ORS 670.280:

13 (a) No teaching, personnel service or administrative license [*or registration as a public charter*
14 *school teacher*] shall be issued to any person who:

15 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,
16 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.445,
17 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680 (1993
18 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087, 167.007, 167.012,
19 167.017, 167.062, 167.065, 167.070, 167.075, 167.080, 167.087, 167.090, 475.995 or 475.999;

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

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

24 (b) The Teacher Standards and Practices Commission may refuse to issue a license [*or registra-*
25 *tion*] to any person who has been convicted of a crime involving the illegal use, sale or possession
26 of controlled substances.

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

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

31 **SECTION 11.** ORS 342.144 is amended to read:

32 342.144. (1) As used in this section, “American Indian tribe” means an Indian tribe as that term
33 is defined in ORS 97.740.

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

36 (3) The Teacher Standards and Practices Commission shall establish an American Indian lan-
37 guages teaching license.

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

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

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

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

45 (5) The test shall be administered at an appropriate location that does not create hardship for

1 the tribal members administering the test.

2 (6) The commission may not require an applicant to hold a specific academic degree, to complete
3 a specific amount of education or to complete a teacher education program to receive an American
4 Indian languages teaching license.

5 (7)(a) An American Indian languages teaching license qualifies the holder to accept a teaching
6 position in a school district, public charter school, **private school**, education service district, com-
7 munity college or state institution of higher education.

8 (b) A holder of an American Indian languages teaching license who does not also have a
9 teaching license issued under ORS 342.125 may not teach in a school district, **public charter**
10 **school, private school** or education service district any subject other than the American Indian
11 language they are approved to teach by the tribe.

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

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

21 (b) The holder of an American Indian languages teaching license who does not also have an
22 administrative license[,] **or** teaching license [*or registration*] issued under ORS 342.125 and who is
23 employed by a school district, public charter school, **private school** or education service district
24 shall participate in a technical assistance program with a person holding a teaching license issued
25 by the commission under ORS 342.125. The technical assistance program shall meet the guidelines
26 specified in ORS 329.815 (1) to (3).

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

29 **SECTION 12.** ORS 342.165 is amended to read:

30 342.165. (1) Pursuant to ORS chapter 183, the Teacher Standards and Practices Commission shall
31 adopt rules necessary for the issuance, denial, continuation, renewal, lapse, revocation, suspension
32 or reinstatement of licenses [*or registrations*] issued under ORS 342.120 to 342.430. The commission
33 shall also adopt rules establishing means in addition to those prescribed by law whereby teachers
34 are able to add additional indorsements to their teaching licenses.

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

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

37 (b) The capabilities of Oregon teacher education institutions to prepare teachers;

38 (c) The norms required for the teaching assignments;

39 (d) The improvement of teaching;

40 (e) The adequacy of the teacher supply;

41 (f) The value of experience or nonacademic learning;

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

43 (h) The recommendations of the State Board of Education and Superintendent of Public In-
44 struction; and

45 (i) Such other matters as tend to improve education.

1 **SECTION 13.** ORS 342.169 is amended to read:

2 342.169. (1) The State Board of Education shall establish by rule the ratio of the number of pu-
3 pils to the number of staff members who must hold current, recognized first aid cards in each **public**
4 **or private** school.

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

9 (3) The **school district or private school** shall waive the requirement of subsection (2) of this
10 section for any staff member who has had the requirement waived by the Teacher Standards and
11 Practices Commission and may waive the requirement for other staff who are unable by reason of
12 disability to obtain recognized first aid cards.

13 (4) The **school** district shall certify annually to the Department of Education that it complies
14 with the ratio requirement set under subsection (1) of this section.

15 **SECTION 14.** ORS 342.175 is amended to read:

16 342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the license
17 of a teacher or administrator, discipline a teacher or administrator or suspend or revoke the right
18 of any person to apply for a license if the person has held a license at any time within five years
19 prior to issuance of the notice of charges under ORS 342.176 based on the following:

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

21 (b) Gross neglect of duty;

22 (c) Any gross unfitness;

23 (d) Conviction of a crime for violating any law of this or any state or of the United States in-
24 volving the illegal use, sale or possession of controlled substances;

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

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

29 (2) Notwithstanding ORS 670.280, the commission shall revoke any license [*or registration*] and
30 shall revoke the right of any person to apply for a license [*or registration*] if the person has held a
31 license [*or registration*] at any time within five years prior to issuance of the notice of charges under
32 ORS 342.176 when the holder or person has been convicted of any crime described in ORS 342.143
33 (3).

34 (3) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (4) of
35 this section, any person whose license [*or registration*] has been suspended or revoked or whose
36 privilege to apply for a license [*or registration*] has been revoked may apply to the commission for
37 reinstatement of the license [*or registration*] after one year from the date of the suspension or re-
38 vocation. The commission may require an applicant for reinstatement to furnish evidence satisfac-
39 tory to the commission of good moral character, mental and physical health and such other evidence
40 as the commission may consider necessary to establish the applicant's fitness. The commission may
41 impose a probationary period and such conditions as it considers necessary upon approving an ap-
42 plication for reinstatement.

43 (4) The commission shall reconsider immediately a license [*or registration*] suspension or revo-
44 cation or the situation of a person whose privilege to apply for a license [*or registration*] has been
45 revoked, upon application therefor, when the license [*or registration*] suspension or revocation or the

1 privilege revocation is based on a criminal conviction that is reversed on appeal.

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

4 (6) A copy of the record of conviction, certified to by the clerk of the court entering the con-
5 viction, shall be conclusive evidence of a conviction described in this section.

6 **SECTION 15.** ORS 342.176 is amended to read:

7 342.176. (1) Upon receipt of a complaint or information that a person has violated ORS 342.143
8 or 342.175, the Teacher Standards and Practices Commission shall promptly undertake an investi-
9 gation.

10 (2) The commission may appoint an investigator and shall furnish the investigator with appro-
11 priate professional and other special assistance reasonably required to conduct the investigation,
12 and the investigator is empowered to subpoena witnesses over the signature of the executive direc-
13 tor, swear witnesses and compel obedience in the same manner as provided under ORS 183.440 (2).

14 (3) Following completion of the investigation, the executive director shall report in writing any
15 findings and recommendations to:

16 (a) The commission, meeting in executive session, at its next regular meeting following com-
17 pletion of the investigation; and

18 (b) The person against whom the charge is made.

19 (4) The documents and materials used in the investigation and the report of the executive di-
20 rector are confidential and not subject to public inspection unless the commission makes a final
21 determination that the person charged has violated ORS 342.143 or 342.175.

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

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

26 (b) The complainant; and

27 (c) The employing **school** district, **public charter school, private school or education service**
28 **district**, if any.

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

31 (a) The person charged;

32 (b) The complainant; and

33 (c) The employing **school** district, **public charter school, private school or education service**
34 **district**, if any.

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

37 **SECTION 16.** ORS 342.177 is amended to read:

38 342.177. (1) Hearings under ORS 342.176 shall be conducted by an administrative law judge as-
39 signed from the Office of Administrative Hearings established under ORS 183.605. The hearing shall
40 be private unless the person against whom the charge is made requests a public hearing. Students
41 attending school in the **school** district *[which]* **or at the public charter school or private school**
42 **that** employs the person *[shall]* **may** not be permitted to attend any hearing except as witnesses
43 duly subpoenaed to testify with respect to the charges made. The person against whom the charge
44 is made shall have the right to be represented by counsel and to present evidence and argument.
45 The evidence must be confined to the charges.

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

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

11 (a) Issue a public reprimand.

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

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

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

16 (e) Revoke the privilege to apply for a license.

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

19 (5) The commission shall notify in writing the person charged, the school district, **public char-**
 20 **ter school, private school or education service district** by which the person is employed and the
 21 Superintendent of Public Instruction of the decision.

22 **SECTION 17.** ORS 342.180 is amended to read:

23 342.180. (1) Any person whose license [*or registration*] has been suspended or revoked or who
 24 has been disciplined, or who has been refused issuance or reinstatement of a license [*or*
 25 *registration*], and is aggrieved at the decision of the Teacher Standards and Practices Commission,
 26 may appeal in the manner provided in ORS 183.480.

27 (2) If the Superintendent of Public Instruction, the district school board, [*or*] the public charter
 28 school, **the private school or the education service district** employing the teacher or adminis-
 29 trator is aggrieved at the decision of the commission, the superintendent, the board or the school
 30 may appeal from the decision in the manner provided in ORS 183.480.

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

35 **SECTION 18.** ORS 342.200 is amended to read:

36 342.200. In order to allow the school districts **and private schools** of the state to take full ad-
 37 vantage of various professional skills and disciplines not directly developed through teaching expe-
 38 rience or professional education for which teaching experience is a prerequisite, it is the public
 39 policy of the State of Oregon that the Teacher Standards and Practices Commission, in establishing
 40 professional requirements and experience under ORS 342.140, shall consider professional skills, ed-
 41 ucation and experience not directly related to, nor contingent upon, teaching experience or training
 42 as a classroom teacher.

43 **SECTION 19.** ORS 342.203 is amended to read:

44 342.203. (1) Annually not later than March 1, the Teacher Standards and Practices Commission
 45 shall cause to be circulated among all of the [*common and union high*] school districts, **public**

1 **charter schools, registered private schools** and education service districts in this state a list of
 2 all teachers and administrators whose teaching or administrative licenses have been suspended or
 3 revoked or who have been reprimanded or placed on probation during the preceding 12 months.

4 (2) If the decision of the commission is appealed under ORS 342.180, the teacher's or adminis-
 5 trator's name shall not be placed on the list authorized by subsection (1) of this section unless and
 6 until such decision has been sustained by the Court of Appeals or until the appeal has been dropped.

7 **SECTION 20.** ORS 342.223 is amended to read:

8 342.223. (1) The Teacher Standards and Practices Commission may charge a subject individual,
 9 as defined in ORS 181.539 (5)(d)(A) to (C)[,] **and** (G) [*and* (J)], a fee not to exceed \$42 for the cost
 10 of acquiring and furnishing the information described in ORS 181.525 and 181.539.

11 (2) A refusal to consent to the criminal records check described in ORS 181.525 and 181.539 or
 12 a refusal to be fingerprinted upon request of the commission or the making of any false statement
 13 as to the conviction of a crime shall be grounds for refusal to issue, renew or reinstate a license[,] **or**
 14 **or** certificate [*or registration*] and is in addition to the grounds stated in ORS 342.143. The criminal
 15 record is confidential and shall be available only to the subject individual.

16 (3) The subject individual may appeal the refusal to issue an initial license[,] **or** certificate [*or*
 17 *registration*] under this section as a contested case under ORS 183.413 to 183.470, but the refusal to
 18 renew or reinstate a license [*or registration*] is subject to ORS 342.175 to 342.180, and the commis-
 19 sion shall notify the subject individual of the right to appeal.

20 **SECTION 21.** ORS 342.360 is amended to read:

21 342.360. (1) The membership of the Teacher Standards and Practices Commission shall consist
 22 of:

23 (a) Four elementary teachers;

24 (b) Four junior or senior high school teachers;

25 (c) One elementary school administrator;

26 (d) One junior or senior high school administrator;

27 (e) One superintendent of city schools;

28 (f) One county superintendent or a superintendent employed by an education service district
 29 board;

30 (g) One member from the faculty of an approved private teacher education institution in Oregon;

31 (h) One member from the faculty of a state institution of higher education;

32 (i) One member who is also a member of a district school board **or a private school board**; and

33 (j) Two members of the general public.

34 (2) Except for those members appointed under subsection (1)(i) and (j) of this section, members
 35 must have been actively engaged in teaching, supervising or administering in the public **or private**
 36 schools or in approved teacher education institutions in Oregon for the period of five years imme-
 37 diately preceding appointment. Acting as an elected representative of teachers, supervisors or ad-
 38 ministrators shall be considered teaching, supervising or administering for the purposes of the
 39 five-year experience requirement. In addition, members appointed under subsection (1)(a) to (f) of this
 40 section must hold valid Oregon teaching or administrative licenses other than restricted teaching
 41 or administrative licenses.

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

45 (b) As used in this subsection, "special education" means specially designed education to meet

1 the goals of the individual education program of a child with disabilities including regular classroom
 2 instruction, instruction in physical education, home instruction, related services and instruction in
 3 hospitals, institutions and special schools.

4 **SECTION 22.** ORS 342.390 is amended to read:

5 342.390. (1) The Teacher Standards and Practices Commission shall meet at least once every six
 6 months at a place, day and hour determined by the commission. The commission shall also meet at
 7 such other times and places as are specified by the call of the chairperson or of a majority of the
 8 members of the commission.

9 (2) A member of the commission who is employed at a public school or by a private teacher
 10 education institution or by a state institution of higher education shall receive no compensation for
 11 services as a member; but subject to any other applicable law regulating travel and other expenses
 12 for state officers, the member shall receive actual and necessary travel and other expenses incurred
 13 in the performance of official duties as provided by ORS 292.495 (2).

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

17 **(4) A member of the commission who is employed by a private school or serves on a**
 18 **private school board shall be entitled to compensation and expenses as provided in ORS**
 19 **292.495 (1) and (2).**

20 **SECTION 23.** ORS 342.495 is amended to read:

21 342.495. (1) The holder of a school nurse certificate issued under ORS 342.475 (1) to (3) is qual-
 22 ified to accept employment to conduct and coordinate the health services programs of any public
 23 **or private** school in the State of Oregon. A person licensed as a registered nurse may use the term
 24 “nurse” as part of a title when employed by a school.

25 (2) No school or school district is required to employ as a nurse a person certified under ORS
 26 342.475 (1) to (3).

27 **SECTION 24.** ORS 342.815 is amended to read:

28 342.815. As used in ORS 342.805 to 342.937 unless the context requires otherwise:

29 (1) [*Notwithstanding ORS 342.120,*] “Administrator” includes **all principals in a fair dismissal**
 30 **district and** any teacher the majority of whose employed time is devoted to service as a supervisor,
 31 principal, vice principal or director of a department or the equivalent in a fair dismissal district but
 32 shall not include the superintendent, deputy superintendent or assistant superintendent [*of any such*
 33 *district*] or any substitute or temporary teacher [*employed by such a district*].

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

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

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

42 (5) “Fair dismissal district” means any common or union high school district or education ser-
 43 vice district.

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

1 (7) "Program of assistance for improvement" means a written plan for a contract teacher that
2 with reasonable specificity:

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

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

6 (c) Sets forth corrective steps the contract teacher may pursue to overcome or correct the de-
7 ficiencies.

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

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

12 (9) [Notwithstanding ORS 342.120,] "Teacher" means any person who holds a teaching license
13 [or registration] as provided in ORS 342.125 or 342.144 or who is otherwise authorized to teach in
14 the public schools of this state and who is employed half-time or more as an instructor or adminis-
15 trator.

16 (10) "Temporary teacher" means a teacher employed to fill a position designated as temporary
17 or experimental or to fill a vacancy which occurs after the opening of school because of unantic-
18 ipated enrollment or because of the death, disability, retirement, resignation, contract nonextension
19 or dismissal of a contract or probationary teacher.

20 **SECTION 25.** ORS 345.515 is amended to read:

21 345.515. A **private** school [may] **shall** be registered as a private school with the Department of
22 Education in the manner provided in ORS 345.505 to 345.575.

23 **SECTION 26.** ORS 345.525 is amended to read:

24 345.525. (1) The owner or operator of a private school, or the superintendent or principal
25 thereof, [may] **shall** apply to the Department of Education for registration of the school by submit-
26 ting an application [therefor] on a form provided by the department.

27 (2) In order to become registered, the applicant must demonstrate to the satisfaction of the de-
28 partment that:

29 (a) The teachers in the applicant schools are possessed of those qualifications necessary to es-
30 tablish the applicant's fitness as a teacher[, *but such qualifications shall not include the requirement*
31 *that teachers be licensed*].

32 (b) The applicant and the school employees are qualified by education and experience to provide
33 instruction at the grade level or in the program to which they are assigned.

34 (c) **The administrators and teachers employed by school are licensed by the Teacher**
35 **Standards and Practices Commission.**

36 [(c)] (d) The facility at which the school is located and the operation thereof are adequate to
37 protect the health and safety of the children enrolled therein, including but not limited to[,] fire
38 protection and sanitation.

39 [(d)] (e) The curriculum in prekindergarten, kindergarten and grades 1 through 12 shall be such
40 that it will consider the goals of modern education and the requirements of a sound, comprehensive
41 curriculum with particular emphasis on establishment of the highest practical standards, and in
42 secondary schools establishment of academic standards necessary for students to qualify to attend
43 community colleges and institutions of higher education both within and without the State of
44 Oregon. Courses shall be taught for a period of time equivalent to that required for children at-
45 tending public schools in the 1994-1995 school year.

1 **SECTION 27.** ORS 345.992 is amended to read:

2 345.992. (1) In addition to any other penalty provided by law, any person who violates any pro-
 3 vision of ORS 345.020, 345.030, 345.070, 345.115 or 345.117, or who engages in an unlawful trade
 4 practice as defined by ORS 646.608 shall incur a civil penalty for each violation in the amount pre-
 5 scribed by the schedule adopted under ORS 345.995.

6 **(2) In addition to any other penalty provided by law, any person who violates any pro-**
 7 **vision of ORS 345.515 or 345.525 shall incur a civil penalty for each violation in an amount**
 8 **prescribed by rule adopted by the State Board of Education. No civil penalty imposed under**
 9 **this subsection shall exceed \$_____ per violation.**

10 [(2)] (3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

11 **SECTION 28.** ORS 181.539 is amended to read:

12 181.539. (1) Upon the request of the Teacher Standards and Practices Commission, the Depart-
 13 ment of Education or the Oregon Military Department, the Department of State Police shall furnish
 14 to the authorized staff of the Teacher Standards and Practices Commission, the Department of Ed-
 15 ucation or the Oregon Military Department, whichever is appropriate, such information on a subject
 16 individual as the Department of State Police may have in its possession from its central bureau of
 17 criminal identification, including but not limited to manual or computerized criminal offender infor-
 18 mation.

19 (2)(a) Subsequent to furnishing the information required under subsection (1) of this section, the
 20 Department of State Police shall conduct nationwide criminal records checks of the subject indi-
 21 vidual through the Federal Bureau of Investigation by use of the subject individual's fingerprints
 22 and shall report the results to the staff of the requesting agency, who must be specifically authorized
 23 to receive the information.

24 (b) The Federal Bureau of Investigation shall either return or destroy the fingerprint cards used
 25 to conduct the criminal records check and shall not keep any record of the fingerprints. However,
 26 if the federal bureau policy authorizing return or destruction of the fingerprint cards is changed, the
 27 department shall cease to send the cards to the federal bureau but shall continue to process the
 28 information through other available resources.

29 (c) If the Federal Bureau of Investigation returns the fingerprint cards to the Department of
 30 State Police, the department shall return the fingerprint cards to the requesting agency. Upon re-
 31 ceiving fingerprint cards under this paragraph, the requesting agency shall destroy the fingerprint
 32 cards and shall retain no facsimiles or other material from which a fingerprint can be reproduced.

33 (3) For purposes of requesting and receiving the information and data described in subsections
 34 (1) and (2) of this section, the Teacher Standards and Practices Commission, the Department of Ed-
 35 ucation and the Oregon Military Department are designated agencies for purposes of ORS 181.010
 36 to 181.560 and 181.715 to 181.730.

37 (4) Nothing in this section shall be considered to require a subject individual as described in
 38 subsection (5)(d)(D), (E) or (I) of this section to submit to fingerprinting until the individual has been
 39 offered employment or a contract by a school district or private school. Contractor employees shall
 40 not be required to submit to fingerprinting until the contractor has been offered a contract.

41 (5) As used in this section:

42 (a) "Private school" means a school that provides educational services as defined in ORS 345.505
 43 and is registered as a private school under ORS 345.505 to 345.575.

44 (b) "Requesting agency" means whichever agency requested the criminal offender information
 45 under subsection (1) of this section.

1 (c) "School district" means:

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

3 (B) The Oregon State School for the Blind.

4 (C) The Oregon State School for the Deaf.

5 (D) An educational program under the Youth Corrections Education Program.

6 (E) A public charter school as defined in ORS 338.005.

7 (F) An education service district.

8 (d) "Subject individual," for purposes of requests made by the Teacher Standards and Practices
9 Commission or the Department of Education, means:

10 (A) An individual who is applying for initial issuance of a license under ORS 342.120 to 342.430
11 as a teacher, administrator or personnel specialist if the individual has not submitted to a criminal
12 records check within the previous year with the Teacher Standards and Practices Commission.

13 (B) An individual who is applying for reinstatement of a license as a teacher, administrator or
14 personnel specialist whose license has lapsed for at least three years.

15 (C) An individual who is applying for initial issuance of a certificate under ORS 342.475 as a
16 school nurse.

17 (D) A school district or private school contractor, whether part-time or full-time, or an employee
18 thereof, whether part-time or full-time, who has direct, unsupervised contact with students as de-
19 termined by the district or private school.

20 (E) An individual newly hired, whether part-time or full-time, by a school district or private
21 school in a capacity not described in subparagraphs (A) to (C) of this paragraph who has direct,
22 unsupervised contact with children as determined by the district or private school.

23 (F) An individual employee, whether part-time or full-time, of a school district or private school
24 in a capacity not described in subparagraphs (A) to (C) of this paragraph who has direct, unsuper-
25 vised contact with children as determined by the district or private school.

26 (G) An individual who is registering with the Teacher Standards and Practices Commission for
27 student teaching, practicum or internship as a teacher, administrator or personnel specialist, if the
28 individual has not submitted to a criminal records check within the previous year with the Teacher
29 Standards and Practices Commission for student teaching, practicum or internship as a teacher,
30 administrator or personnel specialist.

31 (H) An individual who is a community college faculty member providing instruction at a
32 kindergarten through grade 12 school site during the regular school day.

33 (I) An individual who is an employee of a public charter school.

34 [(J) *An individual who is applying for initial issuance of a registration as a public charter school*
35 *teacher under ORS 342.125.*]

36 (e) "Subject individual" does not include an individual described in paragraph (d)(D), (E), (F), (H)
37 or (I) of this subsection if the individual or the individual's employer was checked in one school
38 district or private school and is currently seeking to work in another district or private school un-
39 less the individual lived outside this state during the interval between the two periods of time of
40 working in the district or private school.

41 (f) "Subject individual," for purposes of requests made by the Oregon Military Department,
42 means an individual who is applying for or is employed in a position in a job category for which a
43 statewide and nationwide criminal records check is a job qualifier and in which personnel:

44 (A) Are assigned to the at-risk youth alternative education program;

45 (B) Are issued firearms and munitions;

1 (C) Have fiscal and purchasing responsibilities as their primary responsibilities; or

2 (D) Have regular access to restricted areas within a military installation.

3 **SECTION 29.** The State Board of Education, the Teacher Standards and Practices Com-
4 mission, public charter schools and private schools may take all actions necessary prior to
5 July 1, 2008, to implement the amendments to ORS 181.539, 326.603, 338.135, 342.120, 342.121,
6 342.122, 342.125, 342.127, 342.135, 342.136, 342.143, 342.144, 342.165, 342.169, 342.175, 342.176,
7 342.177, 342.180, 342.200, 342.203, 342.223, 342.360, 342.390, 342.495, 342.815, 345.515, 345.525 and
8 345.992 by sections 1 to 28 of this 2005 Act on and after July 1, 2008.

9 **SECTION 30.** The amendments to ORS 181.539, 326.603, 338.135, 342.120, 342.121, 342.122,
10 342.125, 342.127, 342.135, 342.136, 342.143, 342.144, 342.165, 342.169, 342.175, 342.176, 342.177,
11 342.180, 342.200, 342.203, 342.223, 342.360, 342.390, 342.495, 342.815, 345.515, 345.525 and 345.992
12 by sections 1 to 28 of this 2005 Act become operative on July 1, 2008.

13