

CHAPTER 286

AN ACT

HB 3254

Relating to teacher licensing; creating new provisions; and amending ORS 336.635, 342.125, 342.136, 342.138 and 681.360 and section 10, chapter 519, Oregon Laws 2011.

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

SECTION 1. ORS 342.125 is amended to read:

342.125. (1) 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.

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

- (a) Basic teaching license.
- (b) Standard teaching license.
- (c) Administrative license.
- (d) Restricted teaching license.

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

- (a) Initial teaching license.
- (b) [Continuing] Professional teaching license.
- (c) Teacher leader license.
- [(c)] (d) Initial personnel service license.
- [(d)] (e) Continuing personnel service license.
- [(e)] (f) Initial administrative license.
- [(f)] (g) Continuing administrative license.

(4) The Teacher Standards and Practices Commission may establish other types of teaching licenses as it 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.

(5)(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 181.534 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 re-

ceived 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 three years and 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.

(6) The Teacher Standards and Practices Commission shall adopt an expedited process for the issuance of any license established pursuant to this section. The process may require a school district superintendent or school district board and the applicant to jointly submit an application requesting an emergency license. Within two working days after receiving a completed application the commission shall issue the emergency license. However, the commission may limit the number of applications for expedited service from a school district or education service district to not more than 100 applications in a period of two working days. For purposes of this subsection, the commission may not distinguish between a school district or education service district involved in a labor dispute and any other school district or education service district.

SECTION 2. (1) The Oregon Education Investment Board shall develop model career pathways for educational assistants, as defined in ORS 342.120, to become licensed teachers. The model career pathways must take into consideration the skills and experience attained by an educational assistant.

(2) The model career pathways must identify:

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

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

SECTION 3. The Oregon Education Investment Board shall ensure that the model career pathways are developed no later than July 1, 2014.

SECTION 4. Section 2 of this 2013 Act is amended to read:

Sec. 2. (1) The [*Oregon Education Investment Board*] **State Board of Education** shall develop model career pathways for educational assistants, as defined in ORS 342.120, to become licensed teachers. The model career pathways must take into consideration the skills and experience attained by an educational assistant.

(2) The model career pathways must identify:

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

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

SECTION 5. Section 10, chapter 519, Oregon Laws 2011, as amended by section 1, chapter 37, Oregon Laws 2012, is amended to read:

Sec. 10. (1) Sections 1, 2, 3, 5, 6 and 7, chapter 519, Oregon Laws 2011, are repealed on March 15, 2016.

(2) The amendments to section 2 of this 2013 Act by section 4 of this 2013 Act become operative on March 15, 2016.

SECTION 6. Section 7 of this 2013 Act is added to and made a part of ORS chapter 342.

SECTION 7. (1) A 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 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 evaluations conducted in compliance with ORS 342.856 or as shown by other evidence identified by the Teacher Standards and Practices Commission by rule.

(3) A teacher leader license may be renewed if the applicant meets the requirements established by the Teacher Standards and Practices Commission by rule.

(4) The Teacher Standards and Practices Commission shall develop a process by which a teacher holding a teacher leader license is automatically issued a professional teaching license upon nonrenewal of a teacher leader license if the teacher meets the requirements for a professional teaching license.

SECTION 8. ORS 342.136 is amended to read:

342.136. (1) An initial teaching, personnel service 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) An initial license shall be issued on application to an otherwise qualified person 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) An initial license may be renewed if the applicant meets the requirements established by the commission by rule and may be renewed every three years up to three times.

(4) The commission shall develop a process that allows a teacher holding an initial teaching license to renew the initial teaching license after the time limit imposed by subsection (3) of this section if the teacher does not qualify for a professional teaching license due to lack of employment.

SECTION 9. The amendments to ORS 342.136 by section 8 of this 2013 Act apply to initial teaching license renewals made on or after the effective date of this 2013 Act. Renewals made prior to the effective date of this 2013 Act shall not be considered for the purposes of determining the number of times that an initial teaching license has been renewed.

SECTION 10. ORS 342.138 is amended to read:

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

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

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

(b) Been employed for a minimum period of time to be determined by the commission in:

(A) An Oregon public school;

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

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

(c) Demonstrated minimum competencies, knowledge and skills required for the [*continuing*] **professional teaching license, continuing personnel service license or continuing administrative license** through an approved teacher education institution, school district, professional organization

identified in ORS 342.121, or professional assessment approved by the commission.

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

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

SECTION 11. Nothing in the amendments to ORS 342.138 by section 10 of this 2013 Act affects the status of a continuing teaching license issued before the effective date of this 2013 Act.

SECTION 12. ORS 336.635 is amended to read: 336.635. (1) The parent or guardian of a student may enroll the student in one of the proposed public alternative education programs or private alternative education programs of instruction or instruction combined with counseling if:

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

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

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

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

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

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

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

(4) An alternative education program that is offered to a student who is not a resident of the school district may bill tuition to the school district where the student is a resident. The billing may be made annually or at the end of each term or semester of the alternative education program. For each full-time equivalent student enrolled in the alternative education program, the resident school district shall pay the actual cost of the program or an amount at least equivalent to 80 percent of the district's estimated current year's average per student net operating expenditure, whichever is less, in accordance with rules adopted by the State Board of Education. The alternative education program is accountable

for the expenditures of all State School Fund moneys and other local school support moneys and shall provide the resident school district with an annual statement of the expenditures.

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

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

(7) Any basic, standard, initial or [continuing] **professional teaching license or teacher leader license** issued by the Teacher Standards and Practices Commission is valid for teaching all subjects and grade levels in an alternative education program operated by a school district or education service district.

SECTION 13. ORS 681.360 is amended to read: 681.360. (1) A person may not perform the duties of a speech-language pathology assistant or use the title speech-language pathology assistant without a certificate to do so issued under this section.

(2) To obtain a certificate to perform the duties of a speech-language pathology assistant, a person shall:

(a) Submit an application in the form prescribed by the State Board of Examiners for Speech-Language Pathology and Audiology;

(b) Pay the certificate fee established by the board;

(c) Demonstrate that the person meets the qualifications for certification established by the board; and

(d) Comply with all other requirements for certification established by the board.

(3) A certificate issued under this section expires every two years. To renew a certificate to perform the duties of a speech-language pathology assistant, a person shall:

(a) Submit the renewal application in the form prescribed by the board;

(b) Pay the renewal fee established by the board; and

(c) Comply with all other requirements for certificate renewal established by the board, including but not limited to submission of evidence of participation in professional development activities.

(4) A person may not employ or otherwise use the services of a speech-language pathology assistant unless the speech-language pathology assistant is certified under this section.

(5) The board may establish by rule qualifications and conditions under which a person not licensed under this chapter who holds a basic or standard teaching license in speech impaired or an initial or [continuing] **professional teaching license or teacher leader license** in communication disor-

ders issued by the Teacher Standards and Practices Commission may supervise a speech-language pathology assistant working in a school.

(6) The board may refuse to issue a certificate, or may suspend or revoke the certificate, of any certified speech-language pathology assistant pursuant to the provisions of ORS 681.350.

SECTION 14. The Teacher Standards and Practices Commission shall ensure that teacher leader licenses may be first issued no later than July 1, 2014.

Approved by the Governor June 4, 2013

Filed in the office of Secretary of State June 4, 2013

Effective date January 1, 2014
