

CHAPTER 116

AN ACT

HB 4030

Relating to educators; creating new provisions; amending ORS 326.603; and declaring an emergency.

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

BACKGROUND CHECKS

SECTION 1. ORS 326.603 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(b) The department determines that the person:

(A) Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;

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

(C) Remained continuously licensed or registered with the commission.

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

(6) If a person described in subsection (1) of this section states on a criminal history form provided by the Department of Education that the person has not been convicted of a crime but the criminal records check indicates that the person has a conviction, the department shall determine whether the person knowingly made a false statement as to the conviction. The department shall develop a process and criteria to use for appeals of a determination under this subsection.

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

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

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

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

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

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

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

(A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combination of those grade levels; and

(B) Provides instructional programs that are not limited solely to dancing, drama, music, religious or athletic instruction.

(b) "School district" means:

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

(B) The Oregon School for the Deaf.

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

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

(E) An education service district.

SECTION 1a. ORS 326.603, as amended by section 1 of this 2022 Act, is amended to read:

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

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

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

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

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

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

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

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

(b) A private school may send to the Department of Education for purposes of a criminal records check any information, including fingerprints, for

each person described in subsection (1)(a), (b) or (c) of this section.

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

(4) Notwithstanding subsection (1) of this section, the Department of Education may not require fingerprints of a person described in subsection (1) of this section if[.]

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

[(b) The department determines that the person:]

[(A) Submitted to a criminal records check for the person's immediately previous employer, the employer is a school district or private school and the person has not lived outside this state between the two periods of employment;]

[(B) Submitted to a criminal records check conducted by the Teacher Standards and Practices Commission within the previous three years; or]

[(C) Remained continuously licensed or registered with the commission.]

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

(6) If a person described in subsection (1) of this section states on a criminal history form provided by the Department of Education that the person has not been convicted of a crime but the criminal records check indicates that the person has a conviction, the department shall determine whether the person knowingly made a false statement as to the conviction. The department shall develop a process and criteria to use for appeals of a determination under this subsection.

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

(b) If a person described in subsection (1) of this section has been convicted of a crime listed in ORS

342.143 (3), a school district may not employ or contract with the person and a private school may choose not to employ or contract with the person. Notification by the superintendent that the school district may not employ or contract with the person shall remove the person from any school district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

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

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

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

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

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

(A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combination of those grade levels; and

(B) Provides instructional programs that are not limited solely to dancing, drama, music, religious or athletic instruction.

(b) "School district" means:

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

(B) The Oregon School for the Deaf.

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

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

(E) An education service district.

SECTION 1b. The amendments to ORS 326.603 by section 1a of this 2022 Act become operative on July 1, 2024.

EDUCATOR LICENSE RECIPROCITY

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

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

(b) Identify and implement any changes to the process reviewed under paragraph (a) of this

subsection that will simplify the process and encourage educators from other states to become licensed in Oregon; and

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

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

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

EDUCATOR PROFESSIONAL DEVELOPMENT

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

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

STATEWIDE PORTAL FOR JOBS IN EDUCATION

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

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

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

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

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

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

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

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

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

RECRUITMENT AND RETENTION GRANTS

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

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

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

(b) A school district, an education service district or an education personnel membership organization may use grant moneys to make direct payments to personnel for the purpose of recruiting or retaining the personnel; and

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

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

SECTION 8. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 2 (3), chapter 603, Oregon Laws 2021, for the biennium ending June 30, 2023, for other K-12 grant-in-aid programs, is increased by \$78,162,971, for implementation of section 7 of this 2022 Act.

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

REIMBURSEMENT OF REQUIRED TRAINING COSTS INCURRED BY SUBSTITUTE TEACHERS AND INSTRUCTIONAL ASSISTANTS

SECTION 10. The State Board of Education shall adopt by rule requirements by which the Department of Education shall provide reimbursements to substitute teachers and to instructional assistants for costs personally incurred by the teachers and assistants for required training. The rules may allow for reimbursements to be made from the department to a school district or education service district for distribution to the substitute teachers and instructional assistants, but in no event may a district retain any moneys distributed under this section.

SECTION 11. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 2 (3), chapter 603, Oregon Laws 2021, for the biennium ending June 30, 2023, for other K-12 grant-in-aid programs, is increased by \$19,540,743, for implementation of section 10 of this 2022 Act.

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

NONESSENTIAL REPORTING REQUIREMENTS

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

- (1) Are not required by federal law; and
- (2) Are not essential, as determined by the board.

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

NOTE: Section 15 was deleted by amendment. Subsequent sections were not renumbered.

EDUCATION WORKFORCE DATA SYSTEM

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

SECTION 17. In addition to and not in lieu of any other appropriation, there is appropriated to the Teacher Standards and Practices Commission, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$320,000, for implementation of section 16 of this 2022 Act.

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

APPROPRIATIONS

SECTION 19. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Education by section 1 (1), chapter 603, Oregon Laws 2021, for the biennium ending June 30, 2023, for operations, is increased by \$1,623,093, for implementation of the provisions of this 2022 Act.

SECTION 20. In addition to and not in lieu of any other appropriation, there is appropriated

to the Teacher Standards and Practices Commission, for the biennium ending June 30, 2023, out of the General Fund, the amount of \$353,193, for implementation of the provisions of this 2022 Act.

CAPTIONS

SECTION 21. The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the

statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

EMERGENCY CLAUSE

SECTION 22. This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

Approved by the Governor April 15, 2022
Filed in the office of Secretary of State April 19, 2022
Effective date April 15, 2022