

SENATE MINORITY REPORT AMENDMENTS TO SENATE BILL 621

April 30

President Courtney:

A minority of your Committee on Education and General Government, to whom was referred Senate Bill 621, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

- 1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert
2 “342.125, 342.143, 342.175, 342.176 and 342.177; and declaring an emergency.”.
- 3 Delete lines 5 through 27 and delete pages 2 through 7 and insert:
4 “**SECTION 1.** ORS 342.125 is amended to read:
5 “342.125. (1) Teaching licenses shall be issued and renewed by the Teacher Standards and
6 Practices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and
7 the rules of the commission.
8 “(2) Subject to subsection (4) of this section, teaching licenses shall be of the following types:
9 “(a) Basic teaching license.
10 “(b) Standard teaching license.
11 “(c) Administrative license.
12 “(d) Restricted teaching license.
13 “(3) Subject to ORS 342.130 and to subsection (4) of this section and in addition to the teaching
14 licenses described in subsection (2) of this section, licenses shall be of the following types:
15 “(a) Initial teaching license.
16 “(b) Continuing teaching license.
17 “(c) Initial personnel service license.
18 “(d) Continuing personnel service license.
19 “(e) Initial administrative license.
20 “(f) Continuing administrative license.
21 “(4) The Teacher Standards and Practices Commission may establish other types of teaching li-
22 censes as it considers necessary for operation of the public schools of the state and may prescribe
23 the qualifications for the licenses. However, no license established under the authority of this sub-
24 section is required for a regular classroom teaching position in the public schools.
25 “(5)(a) The Teacher Standards and Practices Commission shall establish a public charter school
26 teacher registry. The commission shall require the applicant and the public charter school to jointly
27 submit an application requesting registration as a public charter school teacher. The application
28 shall include:
29 “(A) A description of the specific teaching position the applicant will fill;
30 “(B) A description of the background of the applicant that is relevant to the teaching position,
31 including any post-secondary education or other experience; and
32 “(C) Documentation as required by the commission for the purposes of conducting a criminal

1 records check as provided in ORS 181.534 and a background check through an interstate clearing-
2 house of revoked and suspended licenses.

3 “(b) Subject to the results of the criminal records check, [and] background check **and infor-**
4 **mation received under ORS 342.143 (2)**, the commission shall approve the application for regis-
5 tration. The commission may deny a request for registration only on the basis of the criminal
6 records check, [or] the background check through an interstate clearinghouse of revoked and sus-
7 pended licenses **or information received under ORS 342.143 (2)**. The registration is valid for three
8 years and may be renewed upon joint application from the teacher and the public charter school.

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

12 “(6) The Teacher Standards and Practices Commission shall adopt an expedited process for the
13 issuance of any license established pursuant to this section. The process may require a school dis-
14 trict superintendent or school district board and the applicant to jointly submit an application re-
15 questing an emergency license. Within two working days after receiving a completed application the
16 commission shall issue the emergency license. However, the commission may limit the number of
17 applications for expedited service from a school district or education service district to not more
18 than 100 applications in a period of two working days. For purposes of this subsection, the com-
19 mission may not distinguish between a school district or education service district involved in a
20 labor dispute and any other school district or education service district.

21 “**SECTION 2. The amendments to ORS 342.125 by section 1 of this 2007 Act apply to ap-**
22 **PLICANTS WHO APPLY FOR REGISTRATION OR RENEWAL OF A REGISTRATION AS A PUBLIC CHARTER SCHOOL**
23 **TEACHER ON OR AFTER THE EFFECTIVE DATE OF THIS 2007 ACT.**

24 “**SECTION 3.** ORS 342.143 is amended to read:

25 “342.143. (1) No teaching, personnel service or administrative license shall be issued to any
26 person until the person has attained the age of 18 years and has furnished satisfactory evidence of
27 proper educational training.

28 “(2) The Teacher Standards and Practices Commission may [also] require an applicant for a
29 teaching, personnel service or administrative license **or registration as a public charter school**
30 **teacher** to furnish evidence satisfactory to the commission of good moral character, mental and
31 physical health, and such other evidence as it may deem necessary to establish the applicant’s fit-
32 ness to serve as a teacher.

33 “(3) Without limiting the powers of the Teacher Standards and Practices Commission under
34 subsection (2) of this section and notwithstanding ORS 670.280:

35 “(a) No teaching, personnel service or administrative license or registration as a public charter
36 school teacher shall be issued to any person who:

37 “(A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,
38 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.445,
39 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680 (1993
40 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087, 167.007, 167.012,
41 167.017, 167.062, 167.065, 167.070, 167.075, 167.080, 167.087, 167.090, 475.848, 475.852, 475.858, 475.860,
42 475.862, 475.864 (4), 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or
43 475.906;

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

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

3 “(b) The Teacher Standards and Practices Commission may refuse to issue a license or regis-
4 tration to any person who has been convicted of a crime involving the illegal use, sale or possession
5 of controlled substances.

6 “(4) In denying the issuance of a license or registration under this section, the commission shall
7 follow the procedure set forth in ORS 342.176 and 342.177.

8 “(5) The Department of Education shall provide school districts and public charter schools a
9 copy of the list contained in subsection (3) of this section.

10 “**SECTION 4.** ORS 342.175 is amended to read:

11 “342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the li-
12 cense **or registration** of a teacher or administrator, discipline a teacher or administrator or sus-
13 pend or revoke the right of any person to apply for a license **or registration** if the person has held
14 a license **or registration** at any time within five years prior to issuance of the notice of charges
15 under ORS 342.176 based on the following:

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

17 “(b) Gross neglect of duty;

18 “(c) Any gross unfitness;

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

21 “(e) Any false statement knowingly made in an application for issuance, renewal or rein-
22 statement of a license **or registration**; or

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

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

30 “(3) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (4) of
31 this section, any person whose license or registration has been suspended or revoked or whose
32 privilege to apply for a license or registration has been revoked may apply to the commission for
33 reinstatement of the license or registration after one year from the date of the suspension or revo-
34 cation. The commission may require an applicant for reinstatement to furnish evidence satisfactory
35 to the commission of good moral character, mental and physical health and such other evidence as
36 the commission may consider necessary to establish the applicant’s fitness. The commission may
37 impose a probationary period and such conditions as it considers necessary upon approving an ap-
38 plication for reinstatement.

39 “(4) The commission shall reconsider immediately a license or registration suspension or revo-
40 cation or the situation of a person whose privilege to apply for a license or registration has been
41 revoked, upon application therefor, when the license or registration suspension or revocation or the
42 privilege revocation is based on a criminal conviction that is reversed on appeal.

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

45 “(6) A copy of the record of conviction, certified to by the clerk of the court entering the con-

1 viction, shall be conclusive evidence of a conviction described in this section.

2 “**SECTION 5.** ORS 342.176 is amended to read:

3 “342.176. (1) Upon receipt of a complaint or information that a person has violated ORS 342.143
4 or 342.175, the Teacher Standards and Practices Commission shall promptly undertake an investi-
5 gation.

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

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

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

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

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

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

20 “(a) The person charged, enclosing a statement of the charges and a notice of opportunity for
21 hearing;

22 “(b) The complainant; and

23 “(c) The employing district **or public charter school**, if any.

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

26 “(a) The person charged;

27 “(b) The complainant; and

28 “(c) The employing district **or public charter school**, if any.

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

31 “**SECTION 6.** ORS 342.177 is amended to read:

32 “342.177. (1)(a) Hearings under ORS 342.176 shall be conducted by an administrative law judge
33 assigned from the Office of Administrative Hearings established under ORS 183.605.

34 “(b) Notwithstanding paragraph (a) of this subsection, the Teacher Standards and Practices
35 Commission shall conduct any hearing that results from the suspension of the teaching license of a
36 teacher under ORS 342.553.

37 “(c) Any hearing conducted under this subsection shall be private unless the person against
38 whom the charge is made requests a public hearing. Students attending school in the district
39 [which] **that** employs the person [shall not be permitted to] **may not** attend any hearing except as
40 witnesses duly subpoenaed to testify with respect to the charges made. **Students attending a public**
41 **charter school that employs the person may not attend any hearing except as witnesses duly**
42 **subpoenaed to testify with respect to the charges made.** The person against whom the charge
43 is made shall have the right to be represented by counsel and to present evidence and argument.
44 The evidence must be confined to the charges.

45 “(2) The Teacher Standards and Practices Commission or the person charged may have

1 subpoenas issued to compel attendance at the hearing. The person charged may have subpoenas is-
2 sued by an attorney of record subscribed by the signature of the attorney or by the executive di-
3 rector. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees
4 of the commission, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415
5 (2). The commission or the person charged shall have the right to compel the attendance and obe-
6 dience of witnesses in the same manner as provided under ORS 183.440 (2).

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

10 “(a) Issue a public reprimand.

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

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

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

16 “(e) Revoke the privilege to apply for a license **or registration**.

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

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

22 “**SECTION 7. This 2007 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
24 **July 1, 2007.**”.

25 /s/ Frank Morse
26 Senator

27 /s/ Jeff Kruse
28 Senator

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