

A-Engrossed
Senate Bill 724

Ordered by the Senate May 9
Including Senate Amendments dated May 9

Sponsored by Senator CARTER; Senators BURDICK, GORDLY, Representative SHIELDS

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.

Permits issuance of teaching, personnel service or administrative license or registration to person convicted of misdemeanor prostitution if Teacher Standards and Practices Commission determines that person is fit to be teacher **and date of conviction is more than five years prior to date of application**. Allows school district to employ or contract with person convicted of misdemeanor prostitution if district determines that person is fit to be employed by or contract with district **and date of conviction is more than five years prior to date of employment or date contract is entered into**.

A BILL FOR AN ACT

1
2 Relating to education; amending ORS 326.603 and 342.143.

3 Whereas this 2007 Act may be called the "Act of Forgiveness" or the "Second Chance Act";
4 now, therefore,

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

6 **SECTION 1.** ORS 342.143 is amended to read:

7 342.143. (1) [No] **The Teacher Standards and Practices Commission may not issue a** teach-
8 ing, personnel service or administrative license [*shall be issued*] to any person until the person has
9 attained the age of 18 years and has furnished satisfactory evidence of proper educational training.

10 (2) The [*Teacher Standards and Practices*] commission may also require an applicant for a
11 teaching, personnel service or administrative license to furnish evidence satisfactory to the com-
12 mission of good moral character, mental and physical health, and such other evidence as it may
13 deem necessary to establish the applicant's fitness to serve as a teacher.

14 (3) Without limiting the powers of the [*Teacher Standards and Practices*] commission under
15 subsection (2) of this section and notwithstanding ORS 670.280:

16 (a) [No] **A** teaching, personnel service or administrative license or registration as a public
17 charter school teacher [*shall*] **may not** be issued to any person who:

18 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,
19 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.445,
20 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680 (1993
21 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087, 167.007, 167.012,
22 167.017, 167.062, 167.065, 167.070, 167.075, 167.080, 167.087, 167.090, 475.848, 475.852, 475.858, 475.860,
23 475.862, 475.864 (4), 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or
24 475.906;

25 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in

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 subparagraph (A) of this paragraph; or

2 (C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as
3 defined by **commission** rule, to any of the crimes listed in subparagraphs (A) and (B) of this para-
4 graph.

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

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

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

12 **(6) Notwithstanding subsection (3) of this section, a person who has been convicted of a**
13 **crime under ORS 167.007, convicted of an attempt to commit a crime under ORS 167.007 or**
14 **convicted in another jurisdiction of a crime that is substantially equivalent, as defined by**
15 **commission rule, to a crime under ORS 167.007 may be issued a license or registration if the**
16 **commission determines that:**

17 **(a) The person is fit to be a teacher; and**

18 **(b) The date of any conviction described in this subsection is more than five years prior**
19 **to the date of the application for the license or registration.**

20 **SECTION 2.** ORS 326.603 is amended to read:

21 326.603. (1)(a) A school district shall send to the Department of Education for purposes of a
22 criminal records check any information, including fingerprints, for each person described in ORS
23 181.539 (1)(d), (e), (f), (h) or (i).

24 (b) A private school may send to the Department of Education for purposes of a criminal records
25 check any information, including fingerprints, for each person described in ORS 181.539 (1)(d), (e),
26 (f) or (h).

27 (2) The Department of Education shall request that the Department of State Police conduct a
28 criminal records check as provided in ORS 181.534 and may charge the district or private school a
29 fee as established by rule under ORS 181.534. The school district or private school may recover its
30 costs or a portion thereof from the person described in ORS 181.539 (1)(d), (e), (f), (h) or (i). If the
31 person described in ORS 181.539 (1)(e), (f) or (i) requests, the district shall and a private school may
32 withhold the amount from amounts otherwise due the person, including a periodic payroll deduction
33 rather than a lump sum payment.

34 (3)(a) **Except as provided in subsection (6) of this section,** if the Superintendent of Public
35 Instruction informs the school district that the person has been convicted of a crime listed in ORS
36 342.143 or has made a false statement as to the conviction of a crime, the superintendent shall notify
37 the school district of the fact and the district [*shall*] **may** not employ or contract with the person.
38 Notification by the superintendent that the school district [*shall*] **may** not employ or contract with
39 the person shall remove the person from any school district policies, collective bargaining provisions
40 regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

41 (b) The Superintendent of Public Instruction shall notify the private school if the person has
42 been convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction
43 of a crime. Based on the notice, the private school may choose not to employ or contract with the
44 person.

45 (4) If a person described in subsection (1) of this section refuses to consent to the criminal re-

1 cords check or refuses to be fingerprinted or if the person falsely swears to the nonconviction of a
2 crime, the district shall terminate the employment or contract status of the person. Termination
3 under this subsection removes the person from any school district policies, collective bargaining
4 provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

5 (5) **Except as provided in subsection (6) of this section**, a school district may not hire or
6 continue to employ or contract with or allow the contractor to continue to assign a person to the
7 school project if the person described in subsection (1) of this section has been convicted of a crime
8 according to the provisions of ORS 342.143.

9 (6) **A school district may employ or contract with a person who has been convicted of a**
10 **crime under ORS 167.007, convicted of an attempt to commit a crime under ORS 167.007 or**
11 **convicted in another jurisdiction of a crime that is substantially equivalent, as defined by**
12 **Teacher Standards and Practices Commission rule, to a crime under ORS 167.007 if the**
13 **school district determines that:**

14 (a) **The person is fit to be employed by or to contract with a school district; and**

15 (b) **The date of any conviction described in this subsection is more than five years prior**
16 **to the date of employment or the date the contract is entered into.**

17 [(6)] (7) As used in this section and ORS 326.607:

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

20 (b) "School district" means:

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

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

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

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

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

26 (F) An education service district.

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