

Senate Bill 47

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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**.

Allows Teacher Standards and Practices Commission to issue public reprimand or to suspend or revoke right to apply for license or registration of student teacher based on certain criteria.

Removes time limitation on requirement that commission take action regarding person who no longer holds valid license or registration if person is convicted of certain crimes.

Allows commission to deny license or registration to person whose license or registration was revoked in another jurisdiction.

Suspends or revokes teaching license or registration during appeal process if suspension or revocation is based on inappropriate sexual conduct involving student.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to licensing power of Teacher Standards and Practices Commission; creating new pro-
3 visions; amending ORS 181.525, 342.143, 342.175, 342.180 and 342.203; and declaring an emer-
4 gency.

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

6 **SECTION 1.** ORS 342.175 is amended to read:

7 342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the license
8 or registration of a teacher or administrator, discipline a teacher or administrator or suspend or
9 revoke the right of any person to apply for a license or registration if the *[person]* **licensee, regis-**
10 **trant or applicant** has held a license or registration at any time within five years prior to issuance
11 of the notice of charges under ORS 342.176 based on the following:

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

13 (b) Gross neglect of duty;

14 (c) Any gross unfitness;

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

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

19 (f) Failure to comply with any condition of reinstatement under subsection [(3)] (4) of this sec-
20 tion or any condition of probation under ORS 342.177 (3)(b).

21 **(2) If a person is enrolled in an approved teacher education institution or program under**
22 **ORS 342.147, the commission may issue a public reprimand or suspend or revoke the right**
23 **to apply for a license or registration based on the following:**

24 (a) **Conviction of a crime listed in ORS 342.143 (3) or a crime described by the commission**
25 **by rule;**

26 (b) **Conviction of a crime for violating any law of this or any state or of the United States**

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 **involving the illegal use, sale or possession of controlled substances;**

2 **(c) Suspension or expulsion from the institution or program; or**

3 **(d) Any other conduct that may cause the commission to suspend or revoke the license**
 4 **or registration of a teacher.**

5 [(2)] (3) [Notwithstanding ORS 670.280,] The commission shall revoke any license or registration
 6 and shall revoke the right of any person to apply for a license or registration if the person has held
 7 a license or registration at any time [within five years prior to issuance of the notice of charges under
 8 ORS 342.176 when] **and** the holder or [person] **applicant** has been convicted of any crime described
 9 in ORS 342.143 (3).

10 [(3)] (4) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection
 11 [(4)] (5) of this section, any person whose license or registration has been suspended or revoked or
 12 whose privilege to apply for a license or registration has been revoked may apply to the commission
 13 for reinstatement of the license or registration after one year from the date of the suspension or
 14 revocation. The commission may require an applicant for reinstatement to furnish evidence satis-
 15 factory to the commission of good moral character, mental and physical health and such other evi-
 16 dence as the commission may consider necessary to establish the applicant's fitness. The commission
 17 may impose a probationary period and such conditions as it considers necessary upon approving an
 18 application for reinstatement.

19 [(4)] (5) The commission shall reconsider immediately a license or registration suspension or
 20 revocation or the situation of a person whose privilege to apply for a license or registration has
 21 been revoked, upon application therefor, when the license or registration suspension or revocation
 22 or the privilege revocation is based on a criminal conviction that is reversed on appeal.

23 [(5)] (6) Violation of rules adopted by the commission relating to competent and ethical per-
 24 formance of professional duties shall be admissible as evidence of gross neglect of duty or gross
 25 unfitness.

26 [(6)] (7) A copy of the record of conviction, certified to by the clerk of the court entering the
 27 conviction, shall be conclusive evidence of a conviction described in this section.

28 **SECTION 2.** ORS 181.525 is amended to read:

29 181.525. Whenever any court or district attorney receives a disposition report and the court or
 30 district attorney has cause to believe that the arrested person who is the subject of the report is
 31 an employee of a school district or is licensed as a school teacher or administrator and that the
 32 charge involves a violation of any crime listed in ORS 342.143 (3) [or 342.175 (2)], the court or dis-
 33 trict attorney shall cause the Teacher Standards and Practices Commission and the Department of
 34 Education to be sent a copy of the completed disposition report.

35 **SECTION 3.** ORS 342.203 is amended to read:

36 342.203. (1) Annually not later than March 1, the Teacher Standards and Practices Commission
 37 shall cause to be circulated among all of the common and union high school districts and education
 38 service districts in this state a list of:

39 **(a)** All teachers and administrators whose teaching or administrative licenses have been sus-
 40 pended or revoked or who have been reprimanded or placed on probation during the preceding 12
 41 months.

42 **(b) All students at approved teacher education institutions or programs under ORS**
 43 **342.147 whose right to apply for a license or registration has been suspended or revoked**
 44 **during the preceding 12 months.**

45 (2) If the decision of the commission is appealed under ORS 342.180, the [teacher's or adminis-

1 *trator's*] name **of the teacher, administrator or student** shall not be placed on the list authorized
 2 by subsection (1) of this section unless and until such decision has been sustained by the Court of
 3 Appeals or until the appeal has been dropped.

4 **SECTION 4.** ORS 342.143 is amended to read:

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

8 (2) The Teacher Standards and Practices Commission may require an applicant for a teaching,
 9 personnel service or administrative license or for registration as a public charter school teacher or
 10 administrator to furnish evidence satisfactory to the commission of good moral character, mental
 11 and physical health, and such other evidence as it may deem necessary to establish the applicant's
 12 fitness to serve as a teacher or administrator.

13 (3) Without limiting the powers of the Teacher Standards and Practices Commission under sub-
 14 section (2) of this section [*and notwithstanding ORS 670.280*]:

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

17 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,
 18 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433,
 19 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),
 20 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087,
 21 167.007, 167.012, 167.017, 167.054, 167.057, 167.062, 167.075, 167.080, 167.090, 475.848, 475.852, 475.858,
 22 475.860, 475.862, 475.864 (4), 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892,
 23 475.904 or 475.906[;].

24 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in
 25 subparagraph (A) of this paragraph[; *or*].

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

28 **(D) Has had a teaching, personnel service or administrative license or registration re-**
 29 **voked in another jurisdiction for a reason that is substantially equivalent, as defined by rule,**
 30 **to a reason described in ORS 342.175 and the revocation is not subject to further appeal. A**
 31 **person whose privilege to apply for a license or registration is denied under this subpara-**
 32 **graph may apply for reinstatement of the privilege as provided in ORS 342.175 (3).**

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

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

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

40 **SECTION 5.** ORS 342.180 is amended to read:

41 342.180. (1) Any person whose license or registration has been suspended or revoked or who has
 42 been disciplined, or who has been refused issuance or reinstatement of a license or registration, and
 43 is aggrieved at the decision of the Teacher Standards and Practices Commission, may appeal in the
 44 manner provided in ORS 183.480.

45 (2) If the Superintendent of Public Instruction, the district school board or the public charter

1 school employing the teacher or administrator is aggrieved at the decision of the commission, the
2 superintendent, the board or the school may appeal from the decision in the manner provided in ORS
3 183.480.

4 (3) [*Unless the decision of the commission is accompanied by a finding that immediate suspension*
5 *or revocation of the teaching license or registration is necessary to protect the safety and well-being of*
6 *students,*] An appeal made under this section in a proceeding to suspend or revoke a **teaching li-**
7 **cense or registration** shall operate as a stay of the suspension or revocation[, *if any,*] until the
8 determination of the appeal[.] **unless:**

9 (a) **The decision of the commission is accompanied by a finding that immediate suspen-**
10 **sion or revocation of the license or registration is necessary to protect the safety and well-**
11 **being of students; or**

12 (b) **The suspension or revocation was based on an inappropriate expression or demon-**
13 **stration of sexual conduct involving a student, as determined by the commission.**

14 (4) **A person whose suspension or revocation is not stayed as provided in subsection (3)(b)**
15 **of this section may seek a stay from an administrative law judge assigned from the Office**
16 **of Administrative Hearings established under ORS 183.605. A stay of a suspension or revo-**
17 **cation under this subsection may be allowed only if the stay is not otherwise denied under**
18 **subsection (3)(a) of this section.**

19 **SECTION 6. The amendments to ORS 342.180 by section 5 of this 2009 Act apply to ap-**
20 **peals that are:**

21 (1) **Pending on or after the effective date of this 2009 Act; or**

22 (2) **Filed on or after the effective date of this 2009 Act.**

23 **SECTION 7. This 2009 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
25 **July 1, 2009.**