

Senate Bill 18

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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 discipline administrator who fails to make report, follow specified procedures or provide written notification related to suspected abuse of child or sexual conduct by educator.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to grounds for discipline by the Teacher Standards and Practices Commission; creating new
3 provisions; amending ORS 342.127, 342.143, 342.175, 342.553 and 670.280; 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 licensee, registrant or
10 applicant has held a license or registration at any time within five years prior to issuance of the
11 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 state or any state or of the United States
16 involving the illegal use, sale or possession of controlled substances;

17 (e) Conviction of a crime described in ORS 475B.010 to 475B.545;

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

20 (g) Failure to comply with any condition of reinstatement under subsection (4) of this section
21 or any condition of probation under ORS 342.177 (3)(b).

22 **(2) The commission may suspend or revoke the license of an administrator or discipline**
23 **an administrator if the administrator held an administrative license at any time within five**
24 **years prior to issuance of the notice of charges under ORS 342.176 based on the following:**

25 **(a) Failure to make a report as required under ORS 339.388 (1);**

26 **(b) Failure to follow the procedures specified by the policy of the school board adopted**
27 **under ORS 339.372 (4) to be taken upon the receipt of a report made under ORS 339.388 (1);**

28 **(c) Failure to provide written notification of an ongoing investigation to the principal of**
29 **the school to which an investigated person is transferred if:**

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 (A) The investigated person is licensed, registered or certified by the commission;

2 (B) The investigation is related to a report of suspected abuse or sexual conduct; and

3 (C) The administrator:

4 (i) Had direct responsibilities related to the transfer of licensed, registered or certified
5 persons to other schools within the school district; or

6 (ii) Was the superintendent of a school district in which the person who had direct re-
7 sponsibilities related to the transfer of licensed, registered or certified persons to other
8 schools within the school district was not a licensed administrator; or

9 (d) Failure to provide written notification of an ongoing investigation to the superinten-
10 dent of a school district in this state that employs an investigated person if:

11 (A) The investigated person is licensed, registered or certified by the commission;

12 (B) The investigation is related to a report of suspected abuse or sexual conduct; and

13 (C) The administrator:

14 (i) Had direct supervision of the investigated person; and

15 (ii) Had knowledge of the employment of the investigated person by another school dis-
16 trict in this state.

17 [(2)] (3) If a person is enrolled in an approved educator preparation program under ORS 342.147,
18 the commission may issue a public reprimand or may suspend or revoke the right to apply for a li-
19 cense or registration based on the following:

20 (a) Conviction of a crime listed in ORS 342.143 (3) or a crime described by the commission by
21 rule;

22 (b) Conviction of a crime for violating any law of this state or any state or of the United States
23 involving the illegal use, sale or possession of controlled substances; or

24 (c) Any conduct that may cause the commission to issue a public reprimand for a teacher or to
25 suspend or revoke the license or registration of a teacher.

26 [(3)] (4) The commission shall revoke any license or registration and shall revoke the right of
27 any person to apply for a license or registration if the person has been convicted of any crime listed
28 in ORS 342.143 (3).

29 [(4)(a)] (5)(a) Except for convictions for crimes listed in ORS 342.143 (3) and subject to sub-
30 section [(5)] (6) of this section, any person whose license or registration has been revoked, or whose
31 right to apply for a license or registration has been revoked, may apply to the commission for
32 reinstatement of the license or registration after one year from the date of the revocation.

33 (b) Any person whose license or registration has been suspended, or whose right to apply for a
34 license or registration has been suspended, may apply to the commission for reinstatement of the
35 license or registration.

36 (c) The commission may require an applicant for reinstatement to furnish evidence satisfactory
37 to the commission of good moral character, mental and physical health and such other evidence as
38 the commission may consider necessary to establish the applicant's fitness. The commission may
39 impose a probationary period and such conditions as the commission considers necessary upon ap-
40 proving an application for reinstatement.

41 [(5)] (6) The commission shall reconsider immediately a license or registration suspension or
42 revocation or the situation of a person whose right to apply for a license or registration has been
43 revoked, upon application therefor, when the license or registration suspension or revocation or the
44 right revocation is based on a criminal conviction that is reversed on appeal.

45 [(6)] (7) Violation of rules adopted by the commission relating to competent and ethical per-

1 formance of professional duties shall be admissible as evidence of gross neglect of duty or gross
2 unfitness.

3 [(7)] (8) A copy of the record of conviction, certified to by the clerk of the court entering the
4 conviction, shall be conclusive evidence of a conviction described in this section.

5 **SECTION 2.** ORS 342.127, as amended by section 3, chapter 72, Oregon Laws 2018, is amended
6 to read:

7 342.127. (1) The Teacher Standards and Practices Commission shall establish and collect:

8 (a) A fee not to exceed \$350 for evaluation of the initial application for each educator license
9 for which application is made. If the applicant is eligible for the educator license for which appli-
10 cation is made, the commission shall issue the license without additional charge.

11 (b) A fee not to exceed \$350 for the renewal of each educator license and a fee not to exceed
12 \$50 for each official paper license. If the educator is certified by a national professional organization
13 for teaching standards recognized by the commission, the commission shall renew the license with-
14 out charge.

15 (c) A fee not to exceed \$800 for a beginning educator assessment conducted in lieu of an ap-
16 proved preparation program required for licensure.

17 (d) A fee not to exceed \$350 for registration as a public charter school teacher or administrator
18 that includes any fee charged pursuant to rules adopted under ORS 181A.195.

19 (e) A fee not to exceed \$350 for renewal of a registration as a public charter school teacher or
20 administrator that includes any fee charged pursuant to rules adopted under ORS 181A.195.

21 (2) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
22 cator license, the commission shall collect a fee not to exceed \$150 for the evaluation of an appli-
23 cant requesting licensing based upon completion of an educator preparation program other than an
24 Oregon approved educator preparation program.

25 (3) In addition to the fees required by subsection (1) of this section, the commission shall collect
26 a late application fee not to exceed \$40 per month up to a maximum of \$200 from an applicant who
27 fails to make timely application for renewal of the license or registration. The actual amount of the
28 fee shall be determined in accordance with rules of the commission.

29 (4) In addition to the fees required by subsection (1) of this section, the commission shall collect
30 a late application fee not to exceed \$350 for the reinstatement of an expired license. The require-
31 ments for reinstatement and the actual amount of the fee shall be determined in accordance with
32 rules of the commission.

33 (5) Notwithstanding the expiration date posted on the license, the license shall continue to be
34 valid for an additional 120 days, provided the educator has made a timely application, as determined
35 by the commission, for renewal prior to the expiration date on the license.

36 (6) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
37 cator license, the commission shall collect a fee not to exceed \$300 for the reinstatement of a license
38 that has been suspended or revoked by the commission for gross neglect of duty or gross unfitness
39 under ORS 342.175 **or for failure to act under ORS 342.175 (2).**

40 (7) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
41 cator license, the commission shall collect a fee not to exceed \$200 for the issuance of any license
42 through an expedited process under ORS 342.125 (6) at the request of any school district, public
43 charter school or education service district that seeks to employ the applicant. The fee shall be paid
44 by the school district, public charter school or education service district.

45 (8) Fees established under this section shall cover, but not exceed, the full cost of administrative

1 expenses incurred by the commission during any biennium.

2 **SECTION 3.** ORS 342.143 is amended to read:

3 342.143. (1) A teaching, personnel service or administrative license, or public charter school
4 registration, may not be issued to any person until the person has attained the age of 18 years and
5 has furnished satisfactory evidence of proper educational training.

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

11 (3) Without limiting the powers of the Teacher Standards and Practices Commission under sub-
12 section (2) of this section:

13 (a) A teaching, personnel service or administrative license, or a public charter school registra-
14 tion, may not be issued to any person who:

15 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,
16 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433,
17 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),
18 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087,
19 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808, 475.810, 475.812,
20 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872, 475.878, 475.880,
21 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

22 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in
23 subparagraph (A) of this paragraph.

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

26 (D) Has had a teaching, personnel service or administrative license, or a public charter school
27 registration, revoked in another jurisdiction for a reason that is substantially equivalent, as defined
28 by rule, to a reason described in ORS 342.175 and the revocation is not subject to further appeal.
29 A person whose right to apply for a license or registration is denied under this subparagraph may
30 apply for reinstatement of the right as provided in ORS 342.175 [(4)] (5).

31 (b) The Teacher Standards and Practices Commission may refuse to issue a license or registra-
32 tion to any person who has been convicted of:

33 (A) A crime involving the illegal use, sale or possession of controlled substances; or

34 (B) A crime described in ORS 475B.010 to 475B.545.

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

37 **SECTION 4.** ORS 342.553 is amended to read:

38 342.553. (1) Upon notice from a district school board of the resignation of a person who is li-
39 censed by or registered with the Teacher Standards and Practices Commission, the commission may
40 discipline the person if the person entered into a written contract to work in a public school and
41 resigned the position without first providing 60 days' written notice, or the notice required in the
42 applicable collective bargaining agreement, to the district superintendent or the school board.

43 (2) In disciplining a person as provided under this section, the commission shall follow the pro-
44 cedure set forth in ORS 342.175 [(4)] (5), 342.176 and 342.177.

45 **SECTION 5.** ORS 670.280 is amended to read:

1 670.280. (1) As used in this section:

2 (a) "License" includes a registration, certification or permit.

3 (b) "Licensee" includes a registrant or a holder of a certification or permit.

4 (2) Except as provided in ORS 342.143 (3) or 342.175 [(3)] (4), a licensing board, commission or
 5 agency may not deny, suspend or revoke an occupational or professional license solely for the rea-
 6 son that the applicant or licensee has been convicted of a crime, but it may consider the relationship
 7 of the facts which support the conviction and all intervening circumstances to the specific occupa-
 8 tional or professional standards in determining the fitness of the person to receive or hold the li-
 9 cense.

10 (3) Except as provided in ORS 342.143 (3) and 342.175 [(3)] (4), a licensing board, commission or
 11 agency may deny an occupational or professional license or impose discipline on a licensee based
 12 on conduct that is not undertaken directly in the course of the licensed activity, but that is sub-
 13 stantially related to the fitness and ability of the applicant or licensee to engage in the activity for
 14 which the license is required. In determining whether the conduct is substantially related to the
 15 fitness and ability of the applicant or licensee to engage in the activity for which the license is re-
 16 quired, the licensing board, commission or agency shall consider the relationship of the facts with
 17 respect to the conduct and all intervening circumstances to the specific occupational or professional
 18 standards.

19 **SECTION 6. (1) The amendments to ORS 342.127, 342.143, 342.175, 342.553 and 670.280 by**
 20 **sections 1 to 5 of this 2019 Act become operative on August 1, 2019.**

21 **(2) The amendments to ORS 342.127 and 342.175 by sections 1 and 2 of this 2019 Act apply**
 22 **to failures to act as described in ORS 342.175 (2) that occur on or after August 1, 2019.**

23 **(3) The Teacher Standards and Practices Commission may adopt rules and take any other**
 24 **actions before the operative date specified in subsection (1) of this section that are necessary**
 25 **to enable the commission to exercise, on and after the operative date specified in subsection**
 26 **(1) of this section, all of the duties, functions and powers that the amendments to ORS**
 27 **342.127 and 342.175 by sections 1 and 2 of this 2019 Act confer on the commission.**

28 **SECTION 7. This 2019 Act being necessary for the immediate preservation of the public**
 29 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
 30 **on its passage.**