

House Bill 2135

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon Teacher Standards and Practices Commission)

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**.

Prohibits Teacher Standards and Practices Commission from issuing license or registration to person convicted of crime constituting domestic violence.

Extends period for which license or registration issued by commission may be suspended or revoked.

A BILL FOR AN ACT

Relating to discipline by the Teacher Standards and Practices Commission; creating new provisions; and amending ORS 342.143, 342.175 and 342.177.

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

SECTION 1. ORS 342.143 is amended to read:

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

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

(3) Without limiting the powers of the Teacher Standards and Practices Commission under subsection (2) of this section:

(a) A teaching, personnel service or administrative license, or a public charter school registration, may not be issued to any person who:

(A) Has been convicted of a crime listed in ORS 163.095, 163.107, 163.115, 163.185, 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433, 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808, 475.810, 475.812, 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

(B) Has been convicted of any crime constituting domestic violence, as defined in ORS 135.230.

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

[(C)] **(D)** Has been convicted in another jurisdiction of a crime that is substantially equivalent, as defined by rule, to any of the crimes listed in subparagraphs (A) *[and (B)]* **to (C)** of this para-

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 graph.

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

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

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

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

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

13 **SECTION 2. The amendments to ORS 342.143 by section 1 of this 2021 Act apply to crimes**
 14 **committed before, on or after the effective date of this 2021 Act.**

15 **SECTION 3.** ORS 342.177 is amended to read:

16 342.177. (1)(a) Hearings under ORS 339.390 and 342.176 shall be conducted by an administrative
 17 law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

18 (b) Any hearing conducted under this section shall be private unless the person against whom
 19 the charge is made requests a public hearing. Students attending school in the employing district
 20 may not attend any hearing except as witnesses duly subpoenaed to testify with respect to the
 21 charges made. Students attending a public charter school that employs the person may not attend
 22 any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. The
 23 person charged shall have the right to be represented by counsel and to present evidence and ar-
 24 gument. The evidence must be confined to the charges.

25 (2) The Teacher Standards and Practices Commission or the person charged may have subpoenas
 26 issued to compel attendance at the hearing. The person charged may have subpoenas issued by an
 27 attorney of record subscribed by the signature of the attorney or by the executive director of the
 28 Teacher Standards and Practices Commission. Witnesses appearing pursuant to subpoena, other than
 29 the parties or officers or employees of the commission, shall receive fees and mileage as prescribed
 30 by law for witnesses in ORS 44.415 (2). The commission or the person charged shall have the right
 31 to compel the attendance and obedience of witnesses in the same manner as provided under ORS
 32 183.440 (2).

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

36 (a) Issue a public reprimand.

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

39 (c) Suspend the license or registration of the teacher or administrator for a period not to exceed
 40 [one year] **three years.**

41 (d) Revoke the license or registration of the teacher or administrator. **The minimum period**
 42 **for which a license or registration may be revoked shall be between one and three years, as**
 43 **determined by the commission. Nothing in this paragraph limits the maximum period for**
 44 **which a license or registration may be revoked.**

45 (e) Revoke the right to apply for a license or registration.

1 (4) If the decision of the commission is that the charge is not proven, the commission shall order
2 the charges dismissed.

3 (5) The commission shall notify in writing the person charged and the employing district or
4 public charter school of the decision.

5 **SECTION 4. The amendments to ORS 342.177 by section 3 of this 2021 Act apply to deci-**
6 **sions made by the Teacher Standards and Practices Commission on or after the effective**
7 **date of this 2021 Act.**

8 **SECTION 5.** ORS 342.175 is amended to read:

9 342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the license
10 or registration of a teacher or administrator, discipline a teacher or administrator, or suspend or
11 revoke the right of any person to apply for a license or registration, if the licensee, registrant or
12 applicant has held a license or registration at any time within five years prior to issuance of the
13 notice of charges under ORS 339.390 or 342.176 based on the following:

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

15 (b) Gross neglect of duty;

16 (c) Any gross unfitness;

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

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

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

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

24 (2) If a person is enrolled in an approved educator preparation program under ORS 342.147, the
25 commission may issue a public reprimand or may suspend or revoke the right to apply for a license
26 or registration based on the following:

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

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

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

33 (3) The commission shall revoke any license or registration and shall revoke the right of any
34 person to apply for a license or registration if the person has been convicted of any crime listed in
35 ORS 342.143 (3).

36 (4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (5)
37 of this section, any person whose license or registration has been revoked, or whose right to apply
38 for a license or registration has been revoked, may apply to the commission for reinstatement of the
39 license or registration after *[one year from the date of the]* **completion of the period of revocation.**

40 (b) Any person whose license or registration has been suspended, or whose right to apply for a
41 license or registration has been suspended, may apply to the commission for reinstatement of the
42 license or registration **after completion of the period of suspension.**

43 (c) The commission may require an applicant for reinstatement to furnish evidence satisfactory
44 to the commission of good moral character, mental and physical health and such other evidence as
45 the commission may consider necessary to establish the applicant's fitness. The commission may

1 impose a probationary period and such conditions as the commission considers necessary upon ap-
2 proving an application for reinstatement.

3 (5) The commission shall reconsider immediately a license or registration suspension or revoca-
4 tion or the situation of a person whose right to apply for a license or registration has been revoked,
5 upon application therefor, when the license or registration suspension or revocation or the right
6 revocation is based on a criminal conviction that is reversed on appeal.

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

9 (7) A copy of the record of conviction, certified to by the clerk of the court entering the con-
10 viction, shall be conclusive evidence of a conviction described in this section.

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