

Senate Bill 129

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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**.

Increases maximum allowed fee Teacher Standards and Practices Commission can impose for reinstatement of license that has been suspended or revoked for gross neglect of duty or gross unfitness.

Authorizes commission to establish and collect certain fees related to educator preparation providers, educator preparation provider programs, school districts, public charter schools and education service districts.

Allows commission to receive reasonable attorney fees and costs upon prevailing at hearing conducted related to disciplinary action.

Authorizes commission to impose civil penalty in addition to any disciplinary action taken by commission.

A BILL FOR AN ACT

1
2 Relating to moneys collected by the Teacher Standards and Practices Commission; creating new
3 provisions; and amending ORS 342.127 and 342.177.

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

5 **SECTION 1.** ORS 342.127 is amended to read:

6 342.127. (1) The Teacher Standards and Practices Commission shall establish and collect:

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

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

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

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

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

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

24 (3) In addition to the fees required by subsection (1) of this section, the commission shall collect
25 a late application fee not to exceed \$40 per month up to a maximum of \$200 from an applicant who

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 fails to make timely application for renewal of the license or registration. The actual amount of the
2 fee shall be determined in accordance with rules of the commission.

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

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

10 (6) In addition to the fee required by subsection (1) of this section for the issuance of an edu-
11 cator license, the commission shall collect a fee not to exceed [~~\$300~~] **\$1,000** for the reinstatement
12 of a license that has been suspended or revoked by the commission for gross neglect of duty or gross
13 unfitness under ORS 342.175.

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

19 **(8)(a) The commission shall establish and collect:**

20 **(A) A fee for each approved educator preparation provider, based on the number of li-**
21 **cence applications received by the commission from the provider;**

22 **(B) A fee for each approved educator preparation provider, based on the type of educator**
23 **preparation programs that the provider offers; and**

24 **(C) A fee to review an educator preparation provider program, in whole or in part, and**
25 **any requests for waivers for the program.**

26 **(b) The method for determining the fee and the actual amount of the fee shall be deter-**
27 **mined in accordance with rules of the commission.**

28 **(9) The commission shall establish and collect an annual fee from each school district,**
29 **public charter school and education service district for services provided by the commission,**
30 **based on the student enrollment in the district or school. The method for determining the**
31 **student enrollment at a school district, public charter school or education service district**
32 **and the actual amount of the fee shall be determined in accordance with rules of the com-**
33 **mission.**

34 [~~(8)~~] **(10) Fees established under this section shall cover, but not exceed, the full cost of admin-**
35 **istrative expenses incurred by the commission during any biennium.**

36 **SECTION 2. The amendments to ORS 342.127 by section 1 of this 2021 Act apply to any**
37 **license reinstated on or after the effective date of this 2021 Act.**

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

39 342.177. (1)(a) Hearings under ORS 339.390 and 342.176 shall be conducted by an administrative
40 law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

41 (b) Any hearing conducted under this section shall be private unless the person against whom
42 the charge is made requests a public hearing. Students attending school in the employing district
43 may not attend any hearing except as witnesses duly subpoenaed to testify with respect to the
44 charges made. Students attending a public charter school that employs the person may not attend
45 any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. The

1 person charged shall have the right to be represented by counsel and to present evidence and ar-
 2 gument. The evidence must be confined to the charges.

3 **(c) If the Teacher Standards and Practices Commission prevails at a hearing conducted**
 4 **under this section, the administrative law judge shall allow the commission reasonable at-**
 5 **torney fees and costs unless special circumstances exist that make the allowance of all or**
 6 **part of the amount unjust.**

7 (2) The [*Teacher Standards and Practices*] commission or the person charged may have
 8 subpoenas issued to compel attendance at the hearing. The person charged may have subpoenas is-
 9 sued by an attorney of record subscribed by the signature of the attorney or by the executive di-
 10 rector of the Teacher Standards and Practices Commission. Witnesses appearing pursuant to
 11 subpoena, other than the parties or officers or employees of the commission, shall receive fees and
 12 mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission or the person charged
 13 shall have the right to compel the attendance and obedience of witnesses in the same manner as
 14 provided under ORS 183.440 (2).

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

18 (a) Issue a public reprimand.

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

21 (c) Suspend the license or registration of the teacher or administrator for a period not to exceed
 22 one year.

23 (d) Revoke the license or registration of the teacher or administrator.

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

25 **(4)(a) In addition to any disciplinary action taken by the commission, the commission**
 26 **may impose a civil penalty. Civil penalties shall be imposed in the manner provided by ORS**
 27 **183.745 and shall be based on rules adopted by the commission.**

28 **(b) The commission may take additional disciplinary action, including suspending or re-**
 29 **voking a license or refusing to reinstate a license, if a person fails to pay a civil penalty**
 30 **imposed by the commission within 30 days after the order imposing the civil penalty is en-**
 31 **tered or, if appealed, within 10 days after the order is sustained on appeal.**

32 **(c) The commission may adopt any rules necessary for the imposition of civil penalties**
 33 **authorized under this subsection.**

34 [(4)] (5) If the decision of the commission is that the charge is not proven, the commission shall
 35 order the charges dismissed.

36 [(5)] (6) The commission shall notify in writing the person charged and the employing district
 37 or public charter school of the decision.

38 **SECTION 4. The amendments to ORS 342.177 by section 3 of this 2021 Act apply to**
 39 **hearings for which a final order is entered on or after the effective date of this 2021 Act.**