

Requested by Representative BYNUM

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2942**

1 On page 1 of the printed bill, line 3, delete “and 342.175” and insert “,  
2 342.175 and 670.280”.

3 Delete lines 5 through 30 and delete pages 2 through 5 and insert:

4 **“SECTION 1.** ORS 342.143 is amended to read:

5 “342.143. (1) A teaching, personnel service or administrative license, or  
6 public charter school registration, may not be issued to any person until the  
7 person has attained the age of 18 years and has furnished satisfactory evi-  
8 dence of proper educational training.

9 “(2) The Teacher Standards and Practices Commission may require an  
10 applicant for a teaching, personnel service or administrative license or for  
11 registration as a public charter school teacher or administrator to furnish  
12 evidence satisfactory to the commission of good moral character, mental and  
13 physical health, and such other evidence as the commission may deem nec-  
14 essary to establish the applicant’s fitness to serve as a teacher or adminis-  
15 trator.

16 “(3) Without limiting the powers of the Teacher Standards and Practices  
17 Commission under subsection (2) of this section[:],

18 “[*a*] a teaching, personnel service or administrative license, or a public  
19 charter school registration, may not be issued to any person who:

20 “[*A*] (**a**) Has been convicted of a crime listed in ORS 163.095, 163.107,  
21 163.115, 163.185, 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405,

1 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433, 163.435, 163.445,  
2 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement  
3 Part), 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325,  
4 164.415, 166.005, 166.087, [167.007,] 167.008, 167.012, 167.017, 167.057, 167.062,  
5 167.075, 167.080, 167.090[, 475.808, 475.810, 475.812, 475.818, 475.820, 475.822,  
6 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872, 475.878, 475.880,  
7 475.882, 475.888, 475.890, 475.892, 475.904] or 475.906.

8 “[B] (b) Has been convicted under ORS 161.405 of an attempt to commit  
9 any of the crimes listed in [subparagraph (A) of this] paragraph (a) of this  
10 subsection.

11 “[C] (c) Has been convicted in another jurisdiction of a crime that is  
12 substantially equivalent, as defined by rule, to any of the crimes listed in  
13 [subparagraphs (A) and (B) of this paragraph] paragraphs (a) and (b) of  
14 this subsection.

15 “[D] (d) Has had a teaching, personnel service or administrative license,  
16 or a public charter school registration, revoked in another jurisdiction for  
17 a reason that is substantially equivalent, as defined by rule, to a reason de-  
18 scribed in ORS 342.175 and the revocation is not subject to further appeal.  
19 A person whose right to apply for a license or registration is denied under  
20 this [subparagraph] paragraph may apply for reinstatement of the right as  
21 provided in ORS 342.175 (4).

22 “[b] *The Teacher Standards and Practices Commission may refuse to issue*  
23 *a license or registration to any person who has been convicted of:*]

24 “[A] *A crime involving the illegal use, sale or possession of controlled*  
25 *substances; or]*

26 “[B] *A crime described in ORS 475B.010 to 475B.545.]*

27 “(4)(a) **Without limiting the powers of the Teacher Standards and**  
28 **Practices Commission under subsection (2) of this section, the com-**  
29 **mission may not issue a teaching, personnel service or administrative**  
30 **license, or a public charter school registration, to a person who within**

1 the previous five years:

2 “(A) Has been convicted of a crime listed in ORS 167.007, 475.808,  
3 475.810, 475.812, 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848,  
4 475.852, 475.868, 475.872, 475.878, 475.880, 475.882, 475.888, 475.890, 475.892  
5 or 475.904.

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

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

11 “(b) Nothing in this subsection requires the commission to issue a  
12 license or registration to a person described in paragraph (a) of this  
13 subsection, regardless of the amount of time that has elapsed since a  
14 conviction.

15 “(5) Without limiting the powers of the Teacher Standards and  
16 Practices Commission under subsection (2) of this section, the com-  
17 mission may refuse to issue a teaching, personnel service or adminis-  
18 trative license, or a public charter school registration, to any person  
19 who has been convicted of:

20 “(a) A crime involving the illegal use, sale or possession of con-  
21 trolled substances; or

22 “(b) A crime described in ORS 475B.010 to 475B.545.

23 “[4] (6) In denying the issuance of a license or registration under this  
24 section, the commission shall follow the procedure set forth in ORS 342.176  
25 and 342.177.

26 “**SECTION 2.** ORS 181A.180 is amended to read:

27 “181A.180. Whenever any court or district attorney receives a disposition  
28 report and the court or district attorney has cause to believe that the ar-  
29 rested person who is the subject of the report is an employee of a school  
30 district or is licensed as a school teacher or administrator and that the

1 charge involves a violation of any crime listed in ORS 342.143 (3) to (5), the  
2 court or district attorney shall cause the Teacher Standards and Practices  
3 Commission and the Department of Education to be sent a copy of the com-  
4 pleted disposition report.

5 **“SECTION 3.** ORS 326.603 is amended to read:

6 “326.603. (1) For the purposes of requesting a state or nationwide criminal  
7 records check under ORS 181A.195, the Department of Education may require  
8 the fingerprints of:

9 “(a) A school district or private school contractor, whether part-time or  
10 full-time, or an employee of a contractor, whether part-time or full-time, who  
11 has direct, unsupervised contact with students as determined by the district  
12 or private school.

13 “(b) A person newly hired, whether part-time or full-time, by a school  
14 district or private school in a capacity not described in ORS 342.223 (1).

15 “(c) A person who is a community college faculty member providing in-  
16 struction:

17 “(A) At the site of an early childhood education program or at a school  
18 site as part of an early childhood education program; or

19 “(B) At a kindergarten through grade 12 school site during the regular  
20 school day.

21 “(d) A person who is an employee of a public charter school.

22 “(2)(a) A school district shall send to the Department of Education for  
23 purposes of a criminal records check any information, including fingerprints,  
24 for each person described in subsection (1) of this section.

25 “(b) A private school may send to the Department of Education for pur-  
26 poses of a criminal records check any information, including fingerprints, for  
27 each person described in subsection (1)(a), (b) or (c) of this section.

28 “(3) The Department of Education shall request that the Department of  
29 State Police conduct a criminal records check as provided in ORS 181A.195  
30 and may charge the school district or private school a fee as established by

1 rule under ORS 181A.195. The school district or private school may recover  
2 its costs or a portion thereof from the person described in subsection (1) of  
3 this section. If the person described in subsection (1)(b) or (d) of this section  
4 requests, the school district shall and a private school may withhold the  
5 amount from amounts otherwise due the person, including a periodic payroll  
6 deduction rather than a lump sum payment.

7 “(4) Notwithstanding subsection (1) of this section, the Department of  
8 Education may not require fingerprints of a person described in subsection  
9 (1) of this section if the person or the person’s employer was checked in one  
10 school district or private school and is currently seeking to work in another  
11 district or private school unless the person lived outside this state during  
12 the interval between the two periods of time of working in the district or  
13 private school.

14 “(5) Nothing in this section requires a person described in subsection  
15 (1)(a), (b) or (d) of this section to submit to fingerprinting until the person  
16 has been offered employment or a contract by a school district or private  
17 school. Contractor employees may not be required to submit to fingerprinting  
18 until the contractor has been offered a contract.

19 “(6) If a person described in subsection (1) of this section states on a  
20 criminal history form provided by the Department of Education that the  
21 person has not been convicted of a crime but the criminal records check in-  
22 dicates that the person has a conviction, the department shall determine  
23 whether the person knowingly made a false statement as to the conviction.  
24 The department shall develop a process and criteria to use for appeals of a  
25 determination under this subsection.

26 “(7)(a) The [*Superintendent of Public Instruction*] **Department of Edu-**  
27 **cation** shall inform a school district or private school if a person described  
28 in subsection (1) of this section has:

29 “(A) Been convicted of a crime listed in ORS 342.143 (3) to (5); or

30 “(B) [*has*] Knowingly made a false statement on a criminal history form

1 provided by the department [*of Education*] as to the conviction of any crime.

2 **“(b) Except as prohibited by state or federal law, when the depart-**  
3 **ment informs a school district that a person has been convicted of a**  
4 **crime listed in ORS 342.143 (4) or (5), the department shall disclose the**  
5 **crime for which the person was convicted.**

6 “[*b*] (c) If a person described in subsection (1) of this section has been  
7 convicted of a crime listed in ORS 342.143 (3) **or of a crime listed in ORS**  
8 **342.143 (4) when less than five years have elapsed since the person has**  
9 **been convicted**, a school district may not employ or contract with the per-  
10 son and a private school may choose not to employ or contract with the  
11 person. Notification by the [*superintendent*] **department** that the school  
12 district may not employ or contract with the person shall remove the person  
13 from any school district policies, collective bargaining provisions regarding  
14 dismissal procedures and appeals and the provisions of ORS 342.805 to  
15 342.937.

16 **“(d) If a person described in subsection (1) of this section has been**  
17 **convicted of a crime listed in ORS 342.143 (4) when five years or more**  
18 **have elapsed since the person has been convicted or of a crime listed**  
19 **in ORS 342.143 (5), a school district may choose to employ or contract**  
20 **with the person after taking into consideration the relationship of the**  
21 **facts that support the conviction and all intervening circumstances to**  
22 **the specific professional or occupational standards in determining the**  
23 **fitness of the person to be employed or contracted.**

24 “[*c*] (e) If a person described in subsection (1) of this section has  
25 knowingly made a false statement on a criminal history form provided by the  
26 department [*of Education*] as to the conviction of a crime not listed in ORS  
27 342.143 (3) **to (5)**, a school district or private school may choose to employ  
28 or contract with the person.

29 **“(8) If a person described in subsection (1) of this section refuses to con-**  
30 **sent to the criminal records check or refuses to be fingerprinted, the school**

1 district shall terminate the employment or contract status of the person.  
2 Termination under this subsection removes the person from any school dis-  
3 trict policies, collective bargaining provisions regarding dismissal procedures  
4 and appeals and the provisions of ORS 342.805 to 342.937.

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

9 “(10) As used in this section and ORS 326.607:

10 “(a) ‘Private school’ means a school that:

11 “(A) Offers education in prekindergarten, kindergarten or grades 1  
12 through 12, or any combination of those grade levels; and

13 “(B) Provides instructional programs that are not limited solely to danc-  
14 ing, drama, music, religious or athletic instruction.

15 “(b) ‘School district’ means:

16 “(A) A school district as defined in ORS 330.003.

17 “(B) The Oregon School for the Deaf.

18 “(C) An educational program under the Youth Corrections Education  
19 Program.

20 “(D) A public charter school as defined in ORS 338.005.

21 “(E) An education service district.

22 “**SECTION 4.** ORS 342.175 is amended to read:

23 “342.175. (1) The Teacher Standards and Practices Commission may sus-  
24 pend or revoke the license or registration of a teacher or administrator,  
25 discipline a teacher or administrator, or suspend or revoke the right of any  
26 person to apply for a license or registration, if the licensee, registrant or  
27 applicant has held a license or registration at any time within five years  
28 prior to issuance of the notice of charges under ORS 339.390 or 342.176 based  
29 on the following:

30 “(a) Conviction of a crime not listed in ORS 342.143 (3) **to (5)**;

1 “(b) Gross neglect of duty;

2 “(c) Any gross unfitness;

3 “(d) Conviction of a crime for violating any law of this state or any state  
4 or of the United States involving the illegal use, sale or possession of con-  
5 trolled substances;

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

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

9 “(g) Failure to comply with any condition of reinstatement under sub-  
10 section (4) of this section or any condition of probation under ORS 342.177  
11 (3)(b).

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

16 “(a) Conviction of a crime listed in ORS 342.143 (3) **to (5)** or a crime de-  
17 scribed by the commission by rule;

18 “(b) Conviction of a crime for violating any law of this state or any state  
19 or of the United States involving the illegal use, sale or possession of con-  
20 trolled substances; or

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

24 “(3)(a) The commission shall revoke any license or registration and shall  
25 revoke the right of any person to apply for a license or registration if the  
26 person has been convicted of any crime listed in ORS 342.143 (3)[.] **or of any**  
27 **crime listed in ORS 342.143 (4) when five years have not elapsed since**  
28 **the person was convicted.**

29 “(b) **The commission may revoke any license or registration or may**  
30 **revoke the right of any person to apply for a license or registration if**



1 **the person has been convicted of any crime listed in ORS 342.143 (4)**  
2 **when five years or more have elapsed since the person was convicted**  
3 **or of any crime listed in ORS 342.143 (5).**

4 “(4)(a) Except for convictions for crimes listed in ORS 342.143 (3) to (5)  
5 and subject to subsection (5) of this section, any person whose license or  
6 registration has been revoked, or whose right to apply for a license or reg-  
7 istration has been revoked, may apply to the commission for reinstatement  
8 of the license or registration after one year from the date of the revocation.

9 “(b) Any person whose license or registration has been suspended, or  
10 whose right to apply for a license or registration has been suspended, may  
11 apply to the commission for reinstatement of the license or registration.

12 “(c) The commission may require an applicant for reinstatement to fur-  
13 nish evidence satisfactory to the commission of good moral character, mental  
14 and physical health and such other evidence as the commission may consider  
15 necessary to establish the applicant’s fitness. The commission may impose a  
16 probationary period and such conditions as the commission considers neces-  
17 sary upon approving an application for reinstatement.

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

23 “(6) Violation of rules adopted by the commission relating to competent  
24 and ethical performance of professional duties shall be admissible as evi-  
25 dence of gross neglect of duty or gross unfitness.

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

29 **“SECTION 5.** ORS 670.280, as amended by section 21, chapter 2, Oregon  
30 Laws 2021 (Ballot Measure 110 (2020)), 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 per-  
4 mit.

5 “(2) Except as provided in ORS 342.143 (3) **to (5)** or 342.175 (3), a licensing  
6 board, commission or agency may not deny, suspend or revoke an occupa-  
7 tional or professional license solely for the reason that the applicant or  
8 licensee has been convicted of a crime, but it may consider the relationship  
9 of the facts [*which*] **that** support the conviction and all intervening circum-  
10 stances to the specific occupational or professional standards in determining  
11 the fitness of the person to receive or hold the license. There is a rebuttable  
12 presumption as to each individual applicant or licensee that an existing or  
13 prior conviction for conduct that has been classified or reclassified as a  
14 Class E violation pursuant to [*section 11 to section 19*] **the amendments to**  
15 **ORS 153.012, 153.018, 475.752, 475.824, 475.834, 475.854, 475.874, 475.884 and**  
16 **475.894 by sections 11 to 19, chapter 2, Oregon Laws 2021 (Ballot Meas-**  
17 **ure 110 (2020))**, does not make an applicant for an occupational or profes-  
18 sional license or a licensee with an occupational or professional license unfit  
19 to receive or hold the license.

20 “(3) Except as provided in ORS 342.143 (3) **to (5)** and 342.175 (3), a li-  
21 censing board, commission or agency may deny an occupational or profes-  
22 sional license or impose discipline on a licensee based on conduct that is not  
23 undertaken directly in the course of the licensed activity, but that is sub-  
24 stantially related to the fitness and ability of the applicant or licensee to  
25 engage in the activity for which the license is required. In determining  
26 whether the conduct is substantially related to the fitness and ability of the  
27 applicant or licensee to engage in the activity for which the license is re-  
28 quired, the licensing board, commission or agency shall consider the re-  
29 lationship of the facts with respect to the conduct and all intervening  
30 circumstances to the specific occupational or professional standards. There

1 is a rebuttable presumption as to each individual applicant or licensee that  
2 an existing or prior conviction for conduct that has been classified or re-  
3 classified as a Class E violation pursuant to [section 11 to section 19] **the**  
4 **amendments to ORS 153.012, 153.018, 475.752, 475.824, 475.834, 475.854,**  
5 **475.874, 475.884 and 475.894 by sections 11 to 19, chapter 2, Oregon Laws**  
6 **2021 (Ballot Measure 110 (2020))**, is not related to the fitness and ability  
7 of the applicant or licensee to engage in the activity for which the license  
8 is required.”.

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