

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
HOUSE BILL 2135**

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 12 and insert:

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

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

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

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

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

19 “(A) Has been convicted of a crime listed in ORS 163.095, 163.107, 163.115,
20 163.185, 163.235, 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408,
21 163.411, 163.415, 163.425, 163.427, 163.432, 163.433, 163.435, 163.445, 163.465,

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

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

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

12 “(D) Has been convicted of any crime related to domestic violence,
13 including:

14 “(i) Conviction of a crime constituting domestic violence, as defined
15 in ORS 135.230;

16 “(ii) Conviction under ORS 161.405 of an attempt to commit a crime
17 identified under sub-subparagraph (i) of this paragraph; or

18 “(iii) Conviction of a crime that is substantially equivalent, as de-
19 fined by rule, to a crime identified under sub-subparagraph (i) of this
20 subparagraph.

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

28 “(b) The [*Teacher Standards and Practices*] commission may refuse to is-
29 sue a license or registration to any person who has been convicted of:

30 “(A) A crime involving the illegal use, sale or possession of controlled

1 substances; or

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

3 **“(4) Notwithstanding subsection (3)(a)(D) of this section, the com-**
4 **mission may issue a license or registration to a person convicted of**
5 **any crime related to domestic violence, as described in subsection**
6 **(3)(a)(D) of this section, if three or more years have elapsed since the**
7 **date of conviction. Issuance must be based on consideration of factors**
8 **prescribed by the commission by rule.**

9 “[~~4~~] (5) In denying the issuance of a license or registration under this
10 section, the commission shall follow the procedure set forth in ORS 342.176
11 and 342.177.”.

12 On page 3, delete lines 8 through 45 and delete page 4 and insert:

13 **“SECTION 5.** ORS 342.175 is amended to read:

14 “342.175. (1) The Teacher Standards and Practices Commission may sus-
15 pend or revoke the license or registration of a teacher or administrator,
16 discipline a teacher or administrator, or suspend or revoke the right of any
17 person to apply for a license or registration, if the licensee, registrant or
18 applicant has held a license or registration at any time within five years
19 prior to issuance of the notice of charges under ORS 339.390 or 342.176 based
20 on the following:

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

22 “(b) Gross neglect of duty;

23 “(c) Any gross unfitness;

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

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

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

30 “(g) Failure to comply with any condition of reinstatement under sub-

1 section (4) of this section or any condition of probation under ORS 342.177
2 (3)(b).

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

7 “(a) Conviction of a crime listed in ORS 342.143 (3) or a crime described
8 by the commission by rule;

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

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

15 “(3)(a) **Except as provided by paragraph (b) of this subsection**, the
16 commission shall revoke any license or registration and shall revoke the
17 right of any person to apply for a license or registration if the person has
18 been convicted of any crime listed in ORS 342.143 (3).

19 “(b) **The commission may decide to not revoke a license or regis-**
20 **tration or to not revoke the right of a person to apply for a license**
21 **or registration if the person was convicted of a crime related to do-**
22 **mestic violence, as described in ORS 342.143 (3)(a)(D), and three or**
23 **more years have elapsed since the date of conviction. The**
24 **commission’s decision must be based on consideration of factors pre-**
25 **scribed by the commission by rule.**

26 “(4)(a) Except for convictions for crimes listed in ORS 342.143 (3) and
27 subject to subsection (5) of this section, any person whose license or regis-
28 tration has been revoked, or whose right to apply for a license or registra-
29 tion has been revoked, may apply to the commission for reinstatement of the
30 license or registration after [*one year from the date of the*] **completion of**

1 **the period of** revocation.

2 “(b) Any person whose license or registration has been suspended, or
3 whose right to apply for a license or registration has been suspended, may
4 apply to the commission for reinstatement of the license or registration **after**
5 **completion of the period of suspension.**

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

12 “(5)(a) The commission shall reconsider immediately a license or regis-
13 tration suspension or revocation or the situation of a person whose right to
14 apply for a license or registration has been revoked, upon application
15 therefor, when the license or registration suspension or revocation or the
16 right revocation is based on a criminal conviction that is reversed on appeal.

17 “(b) **The commission may reconsider a license or registration revo-**
18 **cation or may reinstate a license or registration for a person convicted**
19 **of a crime related to domestic violence, as described in ORS 342.143**
20 **(3)(a)(D), if three or more years have elapsed since the date of con-**
21 **viction. The commission’s decision must be based on consideration of**
22 **factors prescribed by the commission by rule.**

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.”

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