

A-Engrossed
House Bill 2135

Ordered by the Senate June 3
Including Senate Amendments dated June 3

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.

Prohibits Teacher Standards and Practices Commission from issuing license or registration to person convicted of crime [*constituting*] **related to domestic violence. Allows commission, based on consideration of factors prescribed by commission, to issue license or registration to person convicted of crime related to domestic violence if three or more years have elapsed since date of conviction.**

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

A BILL FOR AN ACT

1
2 Relating to discipline by the Teacher Standards and Practices Commission; creating new provisions;
3 and amending ORS 342.143, 342.175 and 342.177.

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

5 **SECTION 1.** ORS 342.143 is amended to read:

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

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

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

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

18 (A) Has been convicted of a crime listed in ORS 163.095, 163.107, 163.115, 163.185, 163.235,
19 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432,
20 163.433, 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replace-
21 ment Part), 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415,
22 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808,
23 475.810, 475.812, 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872,
24 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

25 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in

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 subparagraph (A) of this paragraph.

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

4 **(D) Has been convicted of any crime related to domestic violence, including:**

5 **(i) Conviction of a crime constituting domestic violence, as defined in ORS 135.230;**

6 **(ii) Conviction under ORS 161.405 of an attempt to commit a crime identified under sub-**
7 **subparagraph (i) of this subparagraph; or**

8 **(iii) Conviction of a crime that is substantially equivalent, as defined by rule, to a crime**
9 **identified under sub-subparagraph (i) of this subparagraph.**

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

15 (b) The *[Teacher Standards and Practices]* commission may refuse to issue a license or registra-
16 tion to any person who has been convicted of:

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

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

19 **(4) Notwithstanding subsection (3)(a)(D) of this section, the commission may issue a li-**
20 **cence or registration to a person convicted of any crime related to domestic violence, as**
21 **described in subsection (3)(a)(D) of this section, if three or more years have elapsed since the**
22 **date of conviction. Issuance must be based on consideration of factors prescribed by the**
23 **commission by rule.**

24 [(4)] (5) In denying the issuance of a license or registration under this section, the commission
25 shall follow the procedure set forth in ORS 342.176 and 342.177.

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

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

29 342.177. (1)(a) Hearings under ORS 339.390 and 342.176 shall be conducted by an administrative
30 law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

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

38 (2) The Teacher Standards and Practices Commission or the person charged may have subpoenas
39 issued to compel attendance at the hearing. The person charged may have subpoenas issued by an
40 attorney of record subscribed by the signature of the attorney or by the executive director of the
41 Teacher Standards and Practices Commission. Witnesses appearing pursuant to subpoena, other than
42 the parties or officers or employees of the commission, shall receive fees and mileage as prescribed
43 by law for witnesses in ORS 44.415 (2). The commission or the person charged shall have the right
44 to compel the attendance and obedience of witnesses in the same manner as provided under ORS
45 183.440 (2).

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

4 (a) Issue a public reprimand.

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

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

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

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

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

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

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

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

22 342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the license
23 or registration of a teacher or administrator, discipline a teacher or administrator, or suspend or
24 revoke the right of any person to apply for a license or registration, if the licensee, registrant or
25 applicant has held a license or registration at any time within five years prior to issuance of the
26 notice of charges under ORS 339.390 or 342.176 based on the following:

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

28 (b) Gross neglect of duty;

29 (c) Any gross unfitness;

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

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

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

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

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

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

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

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

1 **(3)(a) Except as provided by paragraph (b) of this subsection,** the commission shall revoke
2 any license or registration and shall revoke the right of any person to apply for a license or regis-
3 tration if the person has been convicted of any crime listed in ORS 342.143 (3).

4 **(b) The commission may decide to not revoke a license or registration or to not revoke**
5 **the right of a person to apply for a license or registration if the person was convicted of a**
6 **crime related to domestic violence, as described in ORS 342.143 (3)(a)(D), and three or more**
7 **years have elapsed since the date of conviction. The commission's decision must be based**
8 **on consideration of factors prescribed by the commission by rule.**

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

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

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

21 **(5)(a)** The commission shall reconsider immediately a license or registration suspension or re-
22 vocation or the situation of a person whose right to apply for a license or registration has been
23 revoked, upon application therefor, when the license or registration suspension or revocation or the
24 right revocation is based on a criminal conviction that is reversed on appeal.

25 **(b) The commission may reconsider a license or registration revocation or may reinstate**
26 **a license or registration for a person convicted of a crime related to domestic violence, as**
27 **described in ORS 342.143 (3)(a)(D), if three or more years have elapsed since the date of**
28 **conviction. The commission's decision must be based on consideration of factors prescribed**
29 **by the commission by rule.**

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

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

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