

SENATE AMENDMENTS TO HOUSE BILL 2135

By COMMITTEE ON EDUCATION

June 3

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 public charter school
5 registration, may not be issued to any person until the person has attained the age of 18 years and
6 has furnished satisfactory evidence of proper educational training.

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

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

14 “(a) A teaching, personnel service or administrative license, or a public charter school regis-
15 tration, may not be issued to any person who:

16 “(A) Has been convicted of a crime listed in ORS 163.095, 163.107, 163.115, 163.185, 163.235,
17 163.355, 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432,
18 163.433, 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replace-
19 ment Part), 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415,
20 166.005, 166.087, 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808,
21 475.810, 475.812, 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872,
22 475.878, 475.880, 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

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

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

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

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

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

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

33 “[*D*)] **(E)** Has had a teaching, personnel service or administrative license, or a public charter
34 school registration, revoked in another jurisdiction for a reason that is substantially equivalent, as
35 defined by rule, to a reason described in ORS 342.175 and the revocation is not subject to further

1 appeal. A person whose right to apply for a license or registration is denied under this subparagraph
2 may apply for reinstatement of the right as provided in ORS 342.175 (4).

3 “(b) The [*Teacher Standards and Practices*] commission may refuse to issue a license or regis-
4 tration to any person who has been convicted of:

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

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

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

12 “[4] (5) In denying the issuance of a license or registration under this section, the commission
13 shall follow the procedure set forth in ORS 342.176 and 342.177.”.

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

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

16 “342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the li-
17 cense or registration of a teacher or administrator, discipline a teacher or administrator, or suspend
18 or revoke the right of any person to apply for a license or registration, if the licensee, registrant
19 or applicant has held a license or registration at any time within five years prior to issuance of the
20 notice of charges under ORS 339.390 or 342.176 based 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 or of the United States
25 involving the illegal use, sale or possession of controlled substances;

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

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

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

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

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

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

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

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

43 “(b) **The commission may decide to not revoke a license or registration or to not revoke**
44 **the right of a person to apply for a license or registration if the person was convicted of a**
45 **crime related to domestic violence, as described in ORS 342.143 (3)(a)(D), and three or more**

1 **years have elapsed since the date of conviction. The commission’s decision must be based**
2 **on consideration of factors prescribed by the commission by rule.**

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

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

10 “(c) The commission may require an applicant for reinstatement to furnish evidence satisfactory
11 to the commission of good moral character, mental and physical health and such other evidence as
12 the commission may consider necessary to establish the applicant’s fitness. The commission may
13 impose a probationary period and such conditions as the commission considers necessary upon ap-
14 proving an application for reinstatement.

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

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

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

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

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