

## Enrolled Senate Bill 805

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CHAPTER .....

### AN ACT

Relating to complaints filed with the Teacher Standards and Practices Commission; creating new provisions; and amending ORS 342.176 and 342.177.

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

##### **SECTION 1.** ORS 342.176 is amended to read:

342.176. (1)(a) A person may file a complaint with the Teacher Standards and Practices Commission regarding a commission licensee. If a complaint concerns an allegation of sexual conduct that may have been committed by a commission licensee, the complaint process provided by this section does not apply and the commission shall investigate the complaint as provided by ORS 339.390.

(b) Prior to beginning an investigation based on a complaint filed under paragraph (a) of this subsection, the commission may require verification that attempts were made to resolve the complaint through the complaint process of the school district that employs the person against whom the complaint was filed. If the commission does not receive verification within [12] **six** months of providing notice that verification is required, the commission no longer has a duty to investigate the complaint.

(c) After receiving sufficient verification as provided by paragraph (b) of this subsection, the commission shall promptly undertake an investigation upon receipt of a complaint or information that constitutes grounds for:

(A) Refusal to issue a license or registration, as provided under ORS 342.143;

(B) Suspension or revocation of a license or registration, discipline of a commission licensee, or suspension or revocation of the right to apply for a license or registration, as provided under ORS 342.175; or

(C) Discipline for failure to provide appropriate notice prior to resignation, as provided under ORS 342.553.

(2) The commission may appoint an investigator and shall furnish the investigator with appropriate professional and other special assistance reasonably required to conduct the investigation, and the investigator is empowered to issue subpoenas to require the attendance of witnesses or the production of documents over the signature of the executive director of the Teacher Standards and Practices Commission, subpoena witnesses over the signature of the executive director, swear witnesses and compel obedience in the same manner as provided under ORS 183.440 (2).

(3) Following completion of an investigation, the executive director or the executive director's designee shall:

(a) Forward to the commission a report related to any investigation that concluded that a violation occurred under ORS 342.143, 342.175 or 342.553; or

(b) Determine whether to forward to the commission a report related to any investigation not described in paragraph (a) of this subsection.

(4) If a report is to be forwarded to the commission as described in subsection (3) of this section, the executive director or the executive director's designee shall report in writing the findings and recommendations to impose disciplinary sanctions to:

(a) The commission, meeting in executive session, at its next regular meeting following completion of the investigation; and

(b) The person against whom the charge is made, following consideration by the commission.

(5)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used in the investigation undertaken as provided by this section and the report related to the investigation are confidential and not subject to public inspection unless the commission makes a final determination to:

(A) Refuse to issue a license or registration, as provided under ORS 342.143;

(B) Suspend or revoke a license or registration, discipline a commission licensee, or suspend or revoke the right to apply for a license or registration, as provided under ORS 342.175; or

(C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided under ORS 342.553.

(b) Records made available to the commission under ORS 419B.035 (1)(h) shall be kept confidential.

(6) If the commission finds from the report that there is sufficient cause to justify holding a hearing under ORS 342.177, the commission shall notify in writing:

(a) The person charged, enclosing a statement of the charges and a notice of opportunity for hearing;

(b) The complainant; and

(c) The employing district or public charter school, if any.

(7) If there is not sufficient cause to justify holding a hearing under ORS 342.177, the commission shall notify in writing:

(a) The person charged;

(b) The complainant; and

(c) The employing district or public charter school, if any.

(8) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions.

**SECTION 2. The amendments to ORS 342.176 by section 1 of this 2025 Act apply to complaints filed with the Teacher Standards and Practices Commission under ORS 342.176 on or after January 1, 2026.**

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

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

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

(2) The Teacher Standards and Practices Commission or the person charged may have subpoenas issued to compel attendance at the hearing. The person charged may have subpoenas issued by an attorney of record subscribed by the signature of the attorney or by the executive director of the

Teacher Standards and Practices Commission. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the commission, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission or the person charged shall have the right to compel the attendance and obedience of witnesses in the same manner as provided under ORS 183.440 (2).

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

- (a) Issue a public reprimand.
- (b) Place the person on probation for a period not to exceed four years and subject to such conditions as the commission considers necessary.
- (c) Suspend the license or registration of the teacher or administrator for a period not to exceed one year.
- (d) Revoke the license or registration of the teacher or administrator.
- (e) Revoke the right to apply for a license or registration.
- (f) Impose a civil penalty pursuant to subsection (6) of this section.**

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

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

**(6)(a) The commission shall adopt rules establishing the monetary amount of a civil penalty that may be imposed under this section. The maximum monetary amount of a civil penalty for a single violation may not exceed \$1,000.**

**(b) All moneys recovered from imposition of civil penalties under this section shall be deposited in the State Treasury to the credit of the Teacher Standards and Practices Commission Account.**

**(c) The commission may adopt rules necessary for the administration and enforcement of this subsection.**

**SECTION 4.** The amendments to ORS 342.177 by section 3 of this 2025 Act apply to conduct occurring on or after the operative date specified in section 5 of this 2025 Act.

**SECTION 5.** (1) The amendments to ORS 342.177 by section 3 of this 2025 Act become operative on July 1, 2026.

(2) The Teacher Standards and Practices Commission may take any action before the operative date specified in subsection (1) of this section that is necessary for the commission to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission by the amendments to ORS 342.177 by section 3 of this 2025 Act.

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**Passed by Senate March 4, 2025**

**Repassed by Senate May 15, 2025**

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

**Passed by House May 12, 2025**

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Julie Fahey, Speaker of House

**Received by Governor:**

.....M.,....., 2025

**Approved:**

.....M.,....., 2025

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Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2025

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Tobias Read, Secretary of State