

Requested by Representative NERON

**PROPOSED AMENDMENTS TO  
SENATE BILL 805**

1 On page 1 of the printed bill, line 3, before the period insert “and  
2 342.177”.

3 On page 2, after line 41, insert:

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

5 “342.177. (1)(a) Hearings under ORS 339.390 and 342.176 shall be conducted  
6 by an administrative law judge assigned from the Office of Administrative  
7 Hearings established under ORS 183.605.

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

17 “(2) The Teacher Standards and Practices Commission or the person  
18 charged may have subpoenas issued to compel attendance at the hearing. The  
19 person charged may have subpoenas issued by an attorney of record sub-  
20 scribed by the signature of the attorney or by the executive director of the  
21 Teacher Standards and Practices Commission. Witnesses appearing pursuant

1 to subpoena, other than the parties or officers or employees of the commis-  
2 sion, shall receive fees and mileage as prescribed by law for witnesses in  
3 ORS 44.415 (2). The commission or the person charged shall have the right  
4 to compel the attendance and obedience of witnesses in the same manner as  
5 provided under ORS 183.440 (2).

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

10 “(a) Issue a public reprimand.

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

13 “(c) Suspend the license or registration of the teacher or administrator  
14 for a period not to exceed one year.

15 “(d) Revoke the license or registration of the teacher or administrator.

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

17 “**(f) Impose a civil penalty pursuant to subsection (6) of this section.**

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

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

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

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

29 “**(c) The commission may adopt rules necessary for the adminis-**  
30 **tration and enforcement of this subsection.**

