

A-Engrossed
Senate Bill 52

Ordered by the Senate March 22
Including Senate Amendments dated March 22

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for 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.

[Repeals provision allowing] **Requires Teacher Standards and Practices Commission to conduct hearing that results from** suspension of license of teacher who has resigned teaching position without 60 days' written notice to school district.

A BILL FOR AN ACT

1
2 Relating to teacher licensing; amending ORS 342.177.

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

4 **SECTION 1.** ORS 342.177 is amended to read:

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

7 **(b) Notwithstanding paragraph (a) of this subsection, the Teacher Standards and Prac-**
8 **tices Commission shall conduct any hearing that results from the suspension of the teaching**
9 **license of a teacher under ORS 342.553.**

10 **(c) [The] Any hearing conducted under this subsection** shall be private unless the person
11 against whom the charge is made requests a public hearing. Students attending school in the district
12 which employs the person shall not be permitted to attend any hearing except as witnesses duly
13 subpoenaed to testify with respect to the charges made. The person against whom the charge is
14 made shall have the right to be represented by counsel and to present evidence and argument. The
15 evidence must be confined to the charges.

16 (2) The Teacher Standards and Practices Commission or the person charged may have subpoenas
17 issued to compel attendance at the hearing. The person charged may have subpoenas issued by an
18 attorney of record subscribed by the signature of the attorney or by the executive director. Wit-
19 nesses appearing pursuant to subpoena, other than the parties or officers or employees of the com-
20 mission, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2). The
21 commission or the person charged shall have the right to compel the attendance and obedience of
22 witnesses in the same manner as provided under ORS 183.440 (2).

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

26 (a) Issue a public reprimand.

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 (b) Place the person on probation for a period not to exceed four years and subject to such
2 conditions as the commission considers necessary.
- 3 (c) Suspend the license of the teacher or administrator for a period not to exceed one year.
- 4 (d) Revoke the license of the teacher or administrator.
- 5 (e) Revoke the privilege to apply for a license.
- 6 (4) If the decision of the commission is that the charge is not proven, the commission shall order
7 the charges dismissed.
- 8 (5) The commission shall notify in writing the person charged, the school district by which the
9 person is employed and the Superintendent of Public Instruction of the decision.
- 10 _____