

584-020-0040

Grounds for Disciplinary Action

(1) The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction or convicted of attempt to commit such crimes as defined in ORS 161.405. Evaluation of substantially equivalent crimes or attempts to commit crimes will be based on Oregon laws in effect at the time of the conviction, regardless of the jurisdiction in which the conviction occurred.

(2) An applicant fails to meet the requirement of ORS 342.143 "good moral character" if the applicant engages in gross neglect of duty, gross unfitness, in violation of section (4) of this rule or other acts which are in violation of sections (1) or (3) of this rule.

(3) The Commission may initiate proceedings to suspend or revoke the license or registration of an educator under ORS 342.175 or deny a license or registration to an applicant under 342.143 who:

(a) Has been convicted of a crime not listed in section (1) of this rule, if the Commission finds that the nature of the act or acts constituting the crime for which the educator was convicted render the educator unfit to hold a license;

(b) Is charged with knowingly making any false statement in the application for a license or registration;

(c) Is charged with gross neglect of duty;

(d) Is charged with gross unfitness; or

(e) Is convicted of a crime involving the illegal use, sale or possession of controlled substances.

(4) Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. The following may be admissible as evidence of gross neglect of duty. Consideration may include but is not limited to:

(a) Substantial unauthorized use of: school name or financial credit; school materials or equipment for personal purposes; or school personnel to provide personal services unrelated to school business;

(b) Substantial unauthorized use of employment time or school resources for private purposes;

(c) Falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties;

(d) Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250;

(e) Violent or destructive behavior on school premises or at a school-sponsored activity;

(f) Any sexual conduct with a student;

(g) Appearing on duty or at any district-sponsored activity while under the influence of alcohol, marijuana, or any controlled substance;

- (h) Unauthorized disclosure of student records information received in confidence by the educator under ORS 40.245, (See subsection (6), below);
- (i) Assigning an educator in violation of licensure requirements;
- (j) Resignation from a contract in violation of ORS 342.553;
- (k) Violation of any order or rule of the Commission;
- (l) Sexual harassment;
- (m) Failure of a chief administrator to report a violation of Commission standards as required by OAR 584-020-0041;
- (n) Substantial deviation from professional standards of competency set forth in OAR 584-020-0010 through 584-020-0030;
- (o) Substantial deviation from professional standards of ethics set forth in OAR 584-020-0035;
- (p) Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation;
- (q) Unauthorized use of school electronic equipment to receive, store, produce or send sexually explicit materials;
- (r) Working without a license;
- (s) Failing to report child abuse pursuant to ORS 419B.010;
- (t) Failure of a chief administrator to disclose all required background check information regarding an educator to a requesting education provider, as required by ORS 339.378 and ORS 339.374;
- (u) Failure of a chief administrator to comply with a lawfully issued subpoena, including subpoenas issued for investigation of sexual conduct or abuse, as required in ORS 339.388;
- (v) Abuse of a student; or
- (w) Failure of an educator to cooperate with an investigation conducted by the Teacher Standards and Practices Commission under ORS 339.370 to ORS 339.400 and ORS 342.176, except subject to the exercise of any legal right or privilege.
- (x) Failure of an educator to maintain the confidentiality of a TSPC sexual conduct investigation report made available to the educator under OAR 584-019-0100, and subject to the confidentiality established by ORS 339.390(7)(b) and ORS 339.390(7)(d)(C).

(5) Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours or off school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill professional responsibilities effectively. The following may be admissible as evidence of gross unfitness. Consideration may include but is not limited to:

(a) Revocation, suspension or denial of a license by another state for reasons and through procedures that are the same as, or substantially equivalent to, those permitting similar action in Oregon;

(b) Fraud or misrepresentation;

(c) Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means.

(d) Commission of an act listed in OAR 584-020-0040(1);

(e) Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction;
or

(f) Violation of a term of probation imposed by a court.

(6) In any proceeding brought under subsection (4)(h) of this rule, the Commission may not impose a sanction more severe than a suspension of the educator's license.

Statutory/Other Authority: ORS 342

Statutes/Other Implemented: ORS 342.143 & 342.175 - 342.190