

Professional Practices Committee
Meeting
Thursday, March 12, 2026 4:00 PM Central

Virtual / Online

1. The meeting location is accessible to persons with disabilities. For questions about accessibility or to request an accommodation, please contact Heidi Reinhardt Heidi.REINHARDT@tspc.oregon.gov **at least 48 hours before the meeting** ORS 192.630((5)(b)).

2. **Professional Practices**

Jon Zwemke, Chair
David Jaimes
Liliana Jimenez
Martha Gross
Dr. Francisco L. Atanes
Nicci Harrison

3. **Thursday, March 12, 2026**

4:00-5:00 p.m.

Call to Order

4. Discussion of Civil Penalties.
5. Review of Division 19
6. LC wording change to 342.76
7. Future Agenda Topics

ITEM: CIVIL PENALTIES

ACTION: **DISCUSSION**

INFORMATION: Discussion and Development of Civil Penalty Structure

Background:

During the last legislative session, SB805 amended ORS 342.176 to authorize the Teacher Standards and Practices Commission (TSPC) to impose civil penalties in educator misconduct cases.

Key Provisions:

- Applies to complaints filed **on or after January 1, 2026**.
- Directs TSPC to **adopt administrative rules** establishing civil penalties.
- Sets a **maximum penalty of \$1,000 per single violation**.
- Requires that **all funds collected** from civil penalties be deposited in the **State Treasury**, credited to the **TSPC Account**.

Action Needed:

- Determine Penalty Structure

Proposed Penalty Structure:

- Convictions leading to Mandatory revocations (ORS 342.143)
 - \$1000
- Licensure violations
 - \$250 per quarter up to \$1000 for working without proper license or endorsement
 - \$250 for up to 3 months
 - \$500 for 3-6 months
 - \$750 for 6-9 months
 - \$1000 for more than 9 months
 - \$500 Failure to provide 60 days' notice
- Violations of Gross Neglect of Duty (OAR 584-020-0040)(4)
 - minimum of \$100 to a maximum of \$1000
 - The Commission shall consider factors listed in 584-020-0045 when determining the amount of the civil penalty and per ORS 342.177 (6)(a) shall not exceed \$1000
- Violations of Gross Unfitness (OAR 584-020-0040)(5)
 - minimum of \$100 to a maximum of \$1000
 - The Commission shall consider factors listed in 584-020-0045 when determining the amount of the civil penalty and per ORS 342.177 (6)(a) shall not exceed \$1000
- Notification will be included in NOH.

- If penalty is not paid or acceptable arrangements for payment are not made within 60 days, the educator's license will be suspended until the civil penalty has been satisfied.

ITEM: DIVISION 19 REVIEW

ACTION: **DISCUSSION**

INFORMATION: Discussion of Proposed Division 19 edits

Background:

The Professional Practices Subcommittee has previously discussed edits to TSPC's Division 19.

Action Needed:

- Review suggested edits
- If suggested edits are acceptable, present to full Commission for approval



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION
MEMORADUM

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DATE: September 17, 2025

TO: Professional Practices Committee members

FROM: Raul Ramirez, Assistant Attorney General
Business Activities Section

SUBJECT: Consideration of revisions to Division 19 of the Commission's rules

Introduction

As part of this committee's consideration of issues to recommend to the Commission, Professional Practices Director Cristina Edgar asked me to review Division 19 of the Commission's rules relating to investigations and hearings. I have attached a copy of the rules with suggested revisions and updates. I have also included comments to help the committee understand the reason for my recommendations. I believe this format will allow you to more readily see the proposed changes for you to consider.

[Teacher Standards and Practices Commission](#)

[Chapter 584](#)

Division 19

RULES FOR INVESTIGATIONS/HEARINGS

[584-019-0003](#)

Notice of Opportunity for Hearing and Hearing Procedures

(1) The Commission delegates to the Executive Director the authority to draft the contents of the Notice of Hearing and Notice of Opportunity for Hearing when:

(a) The Executive Director denies the issuance, renewal or re-instatement of a license, charter school registration, school nurse certificate, or PA-1 clearance for student teaching under OAR 584-050-0006.

(b) When the Commission determines that there is sufficient cause to justify a hearing under ORS 342.176(5); or

(c) When the Executive Director has information that the educator has violated any term or condition of probation.

(2) The Commission delegates to the Executive Director the authority to amend the Notice of Hearing or Notice of Opportunity for Hearing.

(3) The Commission will review, approve or reject all Amended Notices of Hearing at the next Commission meeting following the Executive Director's issuance of the Amended Notice. The educator who is the subject of an Amended Notice may file objections to the amendments prior to the Commission meeting. The Commission's decision to review, approve or reject the Amended Notice will be in executive session under ORS 342.176.

(4) If the Commission rejects the Amended Notice of Hearing, the Executive Director will withdraw the Amended Notice, and the prior Notice of Hearing or Notice of Opportunity for Hearing will stand as the Commission's notice to the educator.

(5) Contested case hearings will be held in accordance with OAR 137-003-0501 through 137-003-0700.

Statutory/Other Authority: ORS 342

Statutes/Other Implemented: ORS 342.175 - 342.190

History:

TSPC 1-2015, f. & cert. ef. 2-10-15

TSPC 5-2009, f. & cert. ef. 10-5-09

TSPC 7-2007, f. & cert. ef. 12-14-07

TSPC 9-2005, f. & cert. ef. 11-15-05

[584-019-0010](#)

Discovery and Subpoenas

(1) Through the Executive Director, the Commission shall consider requests to take the testimony of a material witness by deposition for purposes of discovery or perpetuation of the witness's testimony when the witness is unavailable for hearing. A perpetuation deposition will be authorized only upon agreement of the educator and the Commission or upon a showing that the witness cannot testify at the hearing because of physical or mental illness or extreme hardship.

(2) The Executive Director may issue subpoenas in support of discovery as provided under OAR 137-003-0570 and 137-003-0572.

(3) The educator or the Commission may request that the other party produce for inspection or provide copies of any designated documents or any tangible things which are relevant to the proceeding and are not otherwise exempt from disclosure. The educator or the Commission may charge a fee to reimburse for the actual cost of producing or copying documents.

(4) The educator or the Commission may issue requests for admissions as provided under OAR 137-003-0570.

Statutory/Other Authority: ORS 342

Statutes/Other Implemented: ORS 342.175 - 342.190

History:

TSPC 9-2005, f. & cert. ef. 11-15-05

TSPC 4-2001, f. & cert. ef. 9-21-01

TS 4-1997, f. 9-25-97, cert. ef. 10-4-97

TS 7-1989, f. & cert. ef. 12-13-89

[584-019-0015](#)

Evidence

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but erroneous rulings on evidence shall not preclude Commission action on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible. Objections to evidentiary offers may be made and shall be noted in the record. Any part of the evidence may be received in written form.

(2) All evidence shall be offered and made a part of the record in the case, except for matters stipulated to and except as provided in section (4) of this rule. No other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The burden of presenting evidence to support a fact or position rests on the opponent fact or position.

(3) The educator and the other party shall have the right of cross examination of witnesses who testify and shall have the right to submit rebuttal evidence.

(4) The administrative law judge or the Commission may take notice of judicially cognizable facts and general, technical, or scientific facts as provided under OAR 137-003-0615.

(5) The administrative law judge shall have discretion to require the parties to submit prior to the hearing date documents which may be introduced as evidence, names and addresses of witnesses, and other information to facilitate the hearing. The administrative law judge shall have discretion to require the parties to submit proposed findings of fact and conclusions of law.

Statutory/Other Authority: ORS 342

Statutes/Other Implemented: ORS 342.175 - 342.190

History:

TSPC 4-2001, f. & cert. ef. 9-21-01

TS 4-1997, f. 9-25-97, cert. ef. 10-4-97

TS 7-1989, f. & cert. ef. 12-13-89

[584-019-0025](#)

Mutual Disclosure Prior to Contested Case Hearings

(1) Not less than ten days prior to the hearing date, the educator and the Commission staff will disclose to one another in writing the following information:

- (a) The name, address and telephone number of each person that the disclosing party may call as a witness at the hearing; and
- (b) A copy of all documents that the disclosing party may introduce as evidence at the hearing.

(2) For good cause shown, the Executive Director may modify the disclosure requirements under section (1) of this rule.

(3) The administrative law judge at the hearing may refuse to accept testimony or evidence that has not been disclosed in compliance with this rule.

Statutory/Other Authority: ORS 342

Statutes/Other Implemented: ORS 342.175 - 342.190

History:

TSPC 7-2007, f. & cert. ef. 12-14-07

TSPC 4-2001, f. & cert. ef. 9-21-01

TS 4-1997, f. 9-25-97, cert. ef. 10-4-97

TS 6-1993, f. & cert. ef. 12-7-93

[584-019-0035](#)

Settlement of Cases Prior to Hearing

(1) A "Settlement Agreement" is a written agreement in a disciplinary proceeding that includes:

- (a) A stipulation to an order that is signed by the educator;
- (b) A consent by the educator to a negotiated default order; or
- (c) An agreement between the educator and the commission staff to resolution of a disciplinary matter without a contested hearing.

(2) The Executive Director will not accept a settlement agreement unless it is signed by the educator and the educator's attorney, if any.

(3) All matters not settled in accordance with subsection (2) of this rule will be determined through a contested case hearing in accordance with OAR 137-003-0501 through 137-003-0700 or will be determined through entry of a default order or voluntary surrender of the educator's license, school nurse certificate or charter school registration.

Statutory/Other Authority: ORS 342

Statutes/Other Implemented: ORS 342.175, 342.176, 342.177, 342.180 & 342.190

History:

TSPC 7-2007, f. & cert. ef. 12-14-07

TS 4-1997, f. 9-25-97, cert. ef. 10-4-97

TS 6-1996, f. & cert. ef. 12-9-96

[584-019-0040](#)

Commission Final Orders in Contested Cases

(1) In all contested cases, the Commission will notify the parties, the administrative law judge and the Office of Administrative Hearings that the Commission itself will issue the

Final Order and each Administrative law judge Proposed Order will include a statement to that effect.

(2) If the recommended action in the Proposed Order is adverse to the educator, the Proposed Order will contain a statement that the educator may file written exceptions to the Commission and may file a request for oral argument to the Commission. The statement will inform the educator that written exceptions or a request for oral argument must be filed with the Commission at the Commission's office within fourteen days of the date of the Proposed Order in order for the exceptions or the request for oral argument to be considered. The Commission need not allow oral argument on the Proposed Order. The Executive Director may permit oral argument in those cases in which the Director believes oral argument may be appropriate or helpful to the Commissioners in making a final determination.

Statutory/Other Authority: ORS 342

Statutes/Other Implemented: ORS 342.175 - 342.190

History:

TSPC 7-2007, f. & cert. ef. 12-14-07

TSPC 4-2001, f. & cert. ef. 9-21-01

TSPC 1-2001, f. & cert. ef. 1-17-01

[584-019-0100](#)

Procedures for an Investigation of a Sexual Conduct Report

(1) For the purpose of this rule, the following definitions apply:

(a) "Commission Licensee" means a person whom the Teacher Standards and Practices Commission has the authority to investigate or discipline because the person:

(A) Is enrolled in an approved educator preparation program;

(B) Is an applicant for a Teacher Standards and Practices Commission license or registration;

(C) Holds a license, registration, or certificate issued by the Teacher Standards and Practices Commission; or

(D) Has held a license or registration issued by the Teacher Standards and Practices Commission at any time during the previous five years.

(b) "Law Enforcement Agency" has the meaning given that term in ORS 419B.005.

(c) "Sexual Conduct" means any conduct defined by ORS 339.370(12).

(2) The TSPC Executive Director or agency designee determines whether a complaint or report received by TSPC is to be investigated as a 'Sexual Conduct Investigation' under ORS 339.390, or is to be investigated as a 'Preliminary Investigation' under ORS 342.176. This determination is made based upon:

(a) Information made available to TSPC through the initial received complaint or report; and

(b) Information obtained by TSPC after receiving the initial complaint or report.

(c) TSPC may designate an active TSPC investigation as a 'Sexual Conduct Investigation' at any point in the investigation process when information obtained or received by TSPC indicates the alleged conduct meets the definition of 'Sexual Conduct'.

(d) "Student" as defined in ORS 339.370(13)

(3) Persons or entities authorized to receive copies of commission investigation documentation, materials, or reports under ORS 339.390(7) shall submit a formal written

request to the agency Executive Director or agency designee requesting copies of the requested materials.

(a) Law enforcement agencies and other state entities who receive commission investigation documents, materials, and reports shall maintain the confidentiality of the documents, materials, and reports in accordance with ORS 339.390(7).

(b) Commission Licensees who violate the confidentiality established by ORS 339.390(7) are subject to sanctions on the licensee's TSPC-issued professional license.

(c) A completed Sexual Conduct Investigation report shall not be made available under ORS 339.390(7) unless it has been previously reviewed by the TSPC Commission.

(d) TSPC shall redact the Executive Director's recommendation from a Sexual Conduct Investigation report made available under this rule.

Statutory/Other Authority: ORS 342

Statutes/Other Implemented: ORS 342.176, ORS 339.390 & Chapter 391, 2021 Oregon Laws

History:

[TSPC 6-2024, minor correction filed 04/09/2024, effective 04/09/2024](#)

[TSPC 14-2021, adopt filed 11/09/2021, effective 11/09/2021](#)

[TSPC 8-2021, temporary adopt filed 08/10/2021, effective 08/15/2021 through 02/10/2022](#)

Proposed language:

ORS 342.176 Complaint process; preliminary investigation; materials confidential; notice.

(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 6 months of providing notice that verification is required, the commission no longer has a duty to investigate the complaint.

(c) **The commission may** undertake an investigation upon receipt of a complaint under section (1)(a) or *[information]* **upon receipt of a report from an education provider, DHS, or a law enforcement agency** that may constitute 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.

(d) The Commission may initiate an investigation whenever it receives information that may constitute grounds for action as described in subsection (c).

It currently reads as follows:

(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 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.