



**The Oregon Administrative Rules contain OARs filed through October 15,  
2009**

**TEACHER STANDARDS AND PRACTICES COMMISSION**

**DIVISION 20**

**STANDARDS FOR COMPETENT AND ETHICAL PERFORMANCE OF  
OREGON EDUCATORS**

**584-020-0000**

**Application of Rules**

(1) Oregon Administrative Rules 584-020-0005 through 584-020-0045 were adopted by the Teacher Standards and Practices Commission in accordance with Oregon Revised Statute 342.175(5).

(2) OAR 584-020-0005 through 584-020-0045 may be used as criteria by the Teacher Standards and Practices Commission in matters pertaining to the revocation or suspension of licenses or registrations issued by the Commission under ORS 342.120 to 342.200, or the discipline of any license or registration holder or any person who has held a license or registration at any time within five years prior to issuance of the notice of charges under ORS 342.176.

(3) The Commission determines whether an educator's performance is ethical or competent in light of all the facts and circumstances surrounding the educator's performance as a whole.

(4) The Commission directs the Executive Director to promptly begin the investigation of complaints, reports or information related to educator misconduct under the following conditions:

(a) The Executive Director may delay investigating an educator against whom a complaint has been filed under ORS 342.176 when:

(A) The investigation report or other information indicates that disciplinary action against the educator is pending at the local district level; or

(B) When criminal charges are pending or are likely to be filed against the educator.

(b) In considering whether to delay an investigation or defer recommending action to charge an educator, the Executive Director will consider all relevant circumstances

including the nature and seriousness of the allegations and whether the educator is currently employed in the public schools.

(c) The Executive Director will regularly inform the Commission of the status of any complaints, reports or information of misconduct on which the Executive Director has deferred action.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.175 - 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TS 7-1983, f. & ef. 12-14-83; TS 1-1987, f. & ef. 3-3-87; TS 2-1988, f. & cert. ef. 4-7-88; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 7-2007, f. & cert. ef. 12-14-07

## **584-020-0005**

### **Definitions**

The following definitions apply to Oregon Administrative Rules 584-020-0000 through 584-020-0045 unless otherwise indicated by context:

- (1) "Administrator:" Any educator who holds a valid Oregon Administrative License or registration and who works in a position requiring an administrative license pursuant to OAR 584-005-0005(1).
- (2) "Competent:" Discharging required duties as set forth in these rules.
- (3) "Educator:" Any licensed or registered, or certified person who is authorized to engage in an instructional program including teaching, counseling, school psychology, administering, and supervising.
- (4) "Ethical:" Conforming to the professional standards of conduct set forth in these rules.
- (5) "Sexual Conduct:" Any conduct with a student which includes but is not limited to:
  - (a) The intentional touching of the breast or sexual or other intimate parts of a student;
  - (b) Causing, encouraging, or permitting a student to touch the breast or sexual or other intimate parts of the educator;
  - (c) Sexual advances or requests for sexual favors directed towards a student;
  - (d) Verbal or physical conduct of a sexual nature when directed toward a student or when such conduct has the effect of unreasonably interfering with a student's educational performance or creates an intimidating, hostile or offensive educational environment; or

(e) Verbal or physical conduct which has the effect of unreasonably interfering with a student's educational performance or creates an intimidating, hostile or offensive educational environment.

(6) "Sexual harassment:" Any unwelcome conduct with an individual which includes but is not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(c) Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

(7) "Teacher:" Any person who holds a teacher's license as provided in ORS 342.125.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 & 342.175 - 342.190

Hist.: TS 5-1979, f. 12-29-79, ef. 1-1-80; TS 1-1987, f. & ef. 3-3-87; TS 2-1988, f. & cert. ef. 4-7-88; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 8-1998, f. & cert. ef. 12-9-98; TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 7-2007, f. & cert. ef. 12-14-07

## **584-020-0010**

### **The Competent Educator**

The educator demonstrates a commitment to:

(1) Recognize the worth and dignity of all persons and respect for each individual;

(2) Encourage scholarship;

(3) Promote democratic and inclusive citizenship;

(4) Raise educational standards;

(5) Use professional judgment; and

(6) Promote equitable learning opportunities.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TSPC 7-2007, f. & cert. ef. 12-14-07

## **584-020-0015**

### **Curriculum and Instruction**

(1) The competent educator measures success by the progress of each student toward realization of personal potential as a worthy and effective citizen. The competent educator stimulates the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of goals as they are appropriate for each individual.

(2) The competent teacher demonstrates:

- (a) Use of state and district adopted curriculum and goals;
- (b) Skill in setting instructional goals and objectives expressed as learning outcomes;
- (c) Use of current subject matter appropriate to the individual needs of students;
- (d) Use of students' growth and development patterns to adjust instruction to individual needs consistent with the number of students and amount of time available; and
- (e) Skill in the selection and use of teaching techniques conducive to student learning.

(3) The competent administrator demonstrates:

- (a) Skill in assisting individual staff members to become more competent educators by complying with federal, state and local laws, rules, and lawful and reasonable district policy and contracts;
- (b) Knowledge of curriculum and instruction appropriate to assignment;
- (c) Skill in implementing instructional programs through adequate communication with staff; and
- (d) Skill in identifying and initiating any needed change which helps each student toward realization of personal learning potential.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TS 7-1983, f. & ef. 12-14-83; TSPC 7-2007, f. & cert. ef. 12-14-07

## **584-020-0020**

### **Supervision and Evaluation**

(1) The competent educator is a student of human behavior and uses this knowledge to provide a climate that is conducive to learning and that respects the rights of all persons without discrimination. The competent educator assumes responsibility for the activities

planned and conducted through the district's program, and assists colleagues to do the same. The competent educator gathers relevant information and uses it in the planning and evaluation of instructional activities.

(2) The competent teacher demonstrates:

- (a) Multiple ways to assess the academic progress of individual students;
- (b) Skill in the application of assessment data to assist individual student growth;
- (c) Procedures for evaluating curriculum and instructional goals and practices;
- (d) Skill in the supervision of students; and
- (e) Skill in differentiating instruction.

(3) The competent administrator demonstrates:

- (a) Skill in the application of assessment data to provide effective instructional programs;
- (b) Skill in the implementation of the district's student evaluation program;
- (c) Skill in providing equal opportunity for all students and staff; and
- (d) Skill in the use of employee and leadership techniques appropriate to the assignment and according to well established standards which ensure due process for the staff for which the administrator is responsible for evaluating.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TS 7-1983, f. & ef. 12-14-83; TSPC 7-2007, f. & cert. ef. 12-14-07

## **584-020-0025**

### **Management Skills**

(1) The competent educator is a person who understands students and is able to relate to them in constructive and culturally competent ways. The competent educator establishes and maintains good rapport. The competent educator maintains and uses records as required, and as needed to assist the growth of students.

(2) The competent teacher demonstrates skills in:

- (a) Establishing and maintaining classroom management that is conducive to learning;
- (b) Using and maintaining district property, equipment, and materials appropriately;

(c) Using and maintaining student records as required by federal and state law and district policies and procedures;

(d) Using district and school business and financial procedures; and

(e) Using district lawful and reasonable rules and regulations.

(3) The competent administrator demonstrates:

(a) Leadership skills in managing the school, its students, staff, and programs as required by lawful and reasonable district policies, rules, and regulations, state and federal laws and regulations, and other programs as assigned, and assures that staff is informed of these requirements; and

(b) Skills in planning and staff assignment.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TS 7-1983, f. & ef. 12-14-83; TSPC 7-2007, f. & cert. ef. 12-14-07

## **584-020-0030**

### **Human Relations and Communications**

(1) The competent educator works effectively with others -- Students, staff, parents, and patrons. The competent educator is aware of the ways the community identifies with the school, as well as community needs and ways the school program is designed to meet these needs. The competent educator can communicate with knowledge, clarity, and judgment about educational matters, the school, and the needs of students.

(2) The competent teacher demonstrates:

(a) Willingness to be flexible in cooperatively working with others; and

(b) Skill in communicating with administrators, students, staff, parents, and other patrons.

(3) The competent administrator demonstrates:

(a) Skill in helping students, staff, parents, and other patrons to learn about the school, the district and its program;

(b) Skills in communicating district and school goals to staff and the public;

(c) Willingness to be flexible in cooperatively working with others; and

(d) Skill in reconciling conflict.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TSPC 7-2007, f. & cert. ef. 12-14-07

## **584-020-0035**

### **The Ethical Educator**

The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing the ethical educator considers the needs of the students, the district, and the profession.

(1) The ethical educator, in fulfilling obligations to the student, will:

(a) Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and the student's family;

(b) Refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues; and

(c) Maintain an appropriate professional student-teacher relationship by:

(A) Not demonstrating or expressing professionally inappropriate interest in a student's personal life;

(B) Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;

(C) Reporting to the educator's supervisor if the educator has reason to believe a student is or may be becoming romantically attached to the educator; and

(D) Honoring appropriate adult boundaries with students in conduct and conversations at all times.

(2) The ethical educator, in fulfilling obligations to the district, will:

(a) Apply for, accept, offer, or assign a position of responsibility only on the basis of professional qualifications, and will adhere to the conditions of a contract or the terms of the appointment;

(b) Conduct professional business, including grievances, through established lawful and reasonable procedures;

(c) Strive for continued improvement and professional growth;

(d) Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties; and

(e) Not use the district's or school's name, property, or resources for noneducational benefit or purposes without approval of the educator's supervisor or the appointing authority.

(3) The ethical educator, in fulfilling obligations to the profession, will:

(a) Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty;

(b) Extend equal treatment to all members of the profession in the exercise of their professional rights and responsibilities; and

(c) Respond to requests for evaluation of colleagues and keep such information confidential as appropriate.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1979, f. 12-19-79, ef. 1-1-80; TS 7-1983, f. & ef. 12-14-83; TS 7-1989, f. & cert. ef. 12-13-89; TSPC 8-1998, f. & cert. ef. 12-9-98; TSPC 7-2007, f. & cert. ef. 12-14-07

## **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 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. The crimes listed in 342.143 are:

(a) ORS 163.095 -- Aggravated Murder;

(b) ORS 163.115 -- Murder;

(c) ORS 163.185 -- Assault in the First Degree;

(d) ORS 163.235 -- Kidnapping in the First Degree;

(e) ORS 163.355 -- Rape in the Third Degree;

(f) ORS 163.365 -- Rape in the Second Degree;

(g) ORS 163.375 -- Rape in the First Degree;

(h) ORS 163.385 -- Sodomy in the Third Degree;



- (i) ORS 163.395 -- Sodomy in the Second Degree;
- (j) ORS 163.405 -- Sodomy in the First Degree;
- (k) ORS 163.408 -- Unlawful Sexual Penetration in the Second Degree;
- (l) ORS 163.411 -- Unlawful Sexual Penetration in the First Degree;
- (m) ORS 163.415 -- Sexual Abuse in the Third Degree;
- (n) ORS 163.425 -- Sexual Abuse in the Second Degree;
- (o) ORS 163.427 -- Sexual Abuse in the First Degree;
- (p) ORS 163.432 -- Online Sexual Corruption of a Child in the Second Degree;
- (q) ORS 163.433 -- Online Sexual Corruption of a Child in the First Degree;
- (r) ORS 163.435 -- Contributing to the Sexual Delinquency of a Minor;
- (s) ORS 163.445 -- Sexual Misconduct;
- (t) ORS 163.465 -- Public Indecency;
- (u) ORS 163.515 -- Bigamy;
- (v) ORS 163.525 -- Incest;
- (w) ORS 163.547 -- Child Neglect in the First Degree;
- (x) ORS 163.575 -- Endangering the Welfare of a Minor;
- (y) ORS 163.670 -- Using Child in Display of Sexually Explicit Conduct;
- (z) ORS 163.675 -- Sale or Exhibition of Visual Reproduction of Sexual Conduct by a Child;
- (aa) ORS 163.680 -- Paying for Viewing Sexual Conduct Involving a Child;
- (bb) ORS 163.684 -- Encouraging Child Sexual Abuse in the First Degree;
- (cc) ORS 163.686 -- Encouraging Child Sexual Abuse in the Second Degree;
- (dd) ORS 163.687 -- Encouraging Child Sexual Abuse in the Third Degree;
- (ee) ORS 163.688 -- Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First Degree;

- (ff) ORS 163.689 -- Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree;
- (gg) ORS 164.325 -- Arson in the First Degree;
- (hh) ORS 164.415 -- Robbery in the First Degree;
- (ii) ORS 166.005 -- Treason;
- (jj) ORS 166.087 -- Abuse of a Corpse in the First Degree;
- (kk) ORS 167.007 -- Prostitution;
- (ll) ORS 167.012 -- Promoting Prostitution;
- (mm) ORS 167.017 -- Compelling Prostitution;
- (nn) ORS 167.054 -- Furnishing Sexually Explicit Material to a Child
- (oo) ORS 167.057 -- Luring a Minor
- (pp) ORS 167.062 -- Sadomasochistic Abuse for Sexual Conduct in a Live Show;
- (qq) ORS 167.075 -- Exhibiting an Obscene Performance to a Minor;
- (rr) ORS 167.080 -- Displaying Obscene Materials to Minors;
- (ss) ORS 167.090 -- Publicly Displaying Nudity or Sex for Advertising Purposes;
- (tt) ORS 475.848 -- Unlawful manufacture of heroin within 1,000 feet of school;
- (uu) ORS 475.852 -- Unlawful delivery of heroin within 1,000 feet of school;
- (vv) ORS 475.858 -- Unlawful manufacture of marijuana within 1,000 feet of school;
- (ww) ORS 475.860 -- Unlawful delivery of marijuana;
- (xx) ORS 475.862 -- Unlawful delivery of marijuana within 1,000 feet of school;
- (yy) ORS 475.864(4) -- Possession of less than 1 ounce of marijuana within 1,000 feet of school;
- (zz) ORS 475.868 -- Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;
- (aaa) ORS 475.872 -- Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school;

- (bbb) ORS 475.878 -- Unlawful manufacture of cocaine within 1,000 feet of school;
  - (ccc) ORS 475.880 -- Unlawful delivery of cocaine;
  - (ddd) ORS 475.882 -- Unlawful delivery of cocaine within 1,000 feet of school;
  - (eee) ORS 475.888 -- Unlawful manufacture of methamphetamine within 1,000 feet of school;
  - (fff) ORS 475.890 -- Unlawful delivery of methamphetamine;
  - (ggg) ORS 475.892 -- Unlawful delivery of methamphetamine within 1,000 feet of school;
  - (hhh) ORS 475.904 -- Unlawful manufacture or delivery of controlled substance within 1,000 feet of school; or
  - (iii) ORS 475.906 -- Penalties for distribution to minors.
- (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 ORS 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) Knowing and 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) Knowing and substantial unauthorized use of employment time or school resources for private purposes;
- (c) Knowing 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 or any controlled substance;
- (h) Unauthorized disclosure of student records information received in confidence by the educator under a statutory privilege, (See, subsection (6), below);
- (i) Deliberately assigning an educator in violation of licensure requirements;
- (j) Resignation from a contract in violation of ORS 342.553, (See, subsection (6), below);
- (k) Knowing violation of any order or rule of the Commission;
- (l) Sexual harassment;
- (m) Knowing and willful 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) Knowing and unauthorized use of school computer equipment to receive, store, produce or send sexually explicit materials;
- (r) Knowingly working without a license; or
- (s) Failing to report child abuse pursuant to ORS 419B.010.

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

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1983, f. & ef. 7-21-83; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 2-1988, f. & cert. ef. 4-7-88; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1993, f. & cert. ef. 9-29-93; TS 5-1996, f. & cert. ef. 9-24-96; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 8-1998 f. & cert. ef. 12-9-98; TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 6-1999(Temp), f. & cert. ef. 9-20-99 thru 3-17-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 4-2000, f. & cert. ef. 7-17-00; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 8-2008, f. & cert. ef. 11-13-08

## **584-020-0041**

### **Reporting Requirements**

(1) For purposes of this rule, "chief administrator" means:

(a) The superintendent, head teacher or person designated by a school district board as district school clerk under ORS 332.515 of a school district, education service district or charter school;

(b) The chief administrative officer of the Oregon School for the Deaf and the Oregon School for the Blind; or

(c) The chief administrative officer of a private elementary or secondary school under ORS 345.505 to 345.585, regardless of whether the school is registered as a private school with the Department of Education.

(2) A chief administrator will report educators described in this subsection whether or not the educator is employed in the chief administrator's district. Subject educators include:

(a) Any educator possessing a TSPC-issued license;

(b) Any educator holding a charter school registration;

(c) Any pre-service candidate placed in a public or private school for purposes of program completion pursuant to any program described in division 17 of these administrative rules.

(3) A chief administrator will report to the Executive Director within thirty (30) days the name of any person described in subsection (2) above, when the chief administrator reasonably believes the person may have committed any act which may constitute any of the designated acts of gross neglect of duty under OAR 584-020-0040(4), subsections (a) to (i), (k) to (o) or (q) or any of the designated acts of gross unfitness listed under OAR 584-020-0040(5), subsections (a) to (e).

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 4-1993, f. & cert. ef. 9-29-93; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 1-2001, f. & cert. ef. 1-17-01; TSPC 9-2006, f. & cert. ef. 6-15-06; TSPC 7-2007, f. & cert. ef. 12-14-07

## **584-020-0045**

### **Factors for Imposing Disciplinary Sanctions**

The Commission may consider one or more of the following factors, as it deems appropriate, in its determination of what sanction or sanctions, if any, should be imposed upon a finding that an educator has violated any standard set forth in OAR 584-020-0040:

(1) If the misconduct or violation is an isolated occurrence, part of a continuing pattern, or one of a series of incidents;

(2) The likelihood of a recurrence of the misconduct or violation;

- (3) The educator's past performance;
- (4) The extent, severity, and imminence of any danger to students, other educators, or the public;
- (5) If the misconduct was open and notorious or had negative effects on the public image of the school;
- (6) The educator's state of mind at the time of the misconduct and afterwards;
- (7) The danger that students will imitate the educator's behavior or use it as a model;
- (8) The age and level of maturity of the students served by the educator;
- (9) Any extenuating circumstances or other factors bearing on the appropriate nature of a disciplinary sanction; or
- (10) To deter similar misconduct by the educator or other educators.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.143 & 342.175 - 342.190

Hist.: TS 5-1983, f. & ef. 7-21-83; TSPC 2-2005, f. & cert. ef. 4-15-05

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