



PORTLAND PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT

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Dear Legislators,

As school district leaders, our most important responsibility is to ensure all our students receive an excellent education in schools that are safe and nurturing.

That's why, last fall, as new leaders of Portland Public Schools (PPS), we commissioned a thorough, independent investigation into the alleged decades-long history of misconduct by a former PPS employee who, despite being accused of myriad instances of sexual misconduct, was allowed to continue teaching and performing other PPS jobs for years until he resigned in 2015. We asked the investigators to examine the District's handling of the allegations made against him and make recommendations for changes in policies and practices to improve student safety and prevent this from happening again.

On May 10, we were presented a report from the independent investigators, who interviewed close to 100 individuals, including current and former administrators, former teachers, and school staff, former students, law enforcement, parents, and Board members. We welcome you to review the executive summary and full report, which can be downloaded from the District website here: <https://www.pps.net/Page/11946>.

The investigators – Bob Weaver, Joy Ellis, and Norm Frink, who each have decades of experience in complex investigations – concluded that numerous factors contributed to the District's failure to protect children over many years from certain teachers, including both individual and systemic failures. Some of these factors may be unique to PPS, but we believe there are lessons to be learned by other school districts and statewide policymakers.

The report offers recommendations for concrete reforms to enhance student safety. Most of them are within PPS's sphere of control, for example, changes to policies, administrative processes, and recordkeeping practices; clarity in reporting expectations and procedures; and improvements to training for employees, volunteers, and anyone else who has direct contact with students. We are already actively pursuing these recommendations. Implementing other recommendations, however, will require the cooperation of our local and state system partners.

We are writing to you because two items within the recommended reforms require legislative action. The investigators made the following recommendation for PPS action:

- ***Lobby for changes outside the district that will make Oregon safer for students. In particular, the report outlines the following:***
 - *PPS should lobby to align the statutory definition of sexual conduct with the Teacher Standards and Practices Commission's (TSPC) definition of sexual conduct. Given that the TSPC deems any sexual conduct (using its own regulatory definition) with a student by an educator to be evidence of gross neglect of duty and grounds for TSPC disciplinary action, including suspension or revocation of the educator's license (see OAR 584-020-0040(4)(f)), there is no reason the state statute that applies to all employees of educational providers should have a separate definition with a higher bar. Meeting the TSPC's "lesser" definition of sexual conduct is enough to end an educator's career, and the same standard should apply for disclosures of substantiated sexual conduct to subsequent education providers.*
 - *PPS should lobby to shorten the TSPC's timelines for investigating educators. It should not take years for the Commission to investigate sexual conduct complaints brought to their attention. During the time period that an educator is being investigated, there is no public acknowledgment by the TSPC that the educator is under investigation. Nothing prevents that educator from finding another teaching job while under investigation (unless the educator candidly discloses this fact to potential employers). We recommend that the District advocate for shorter timelines in order to keep students safe from unethical educators.*

We agree with the investigators that these two changes are vitally important in order to give school districts the tools necessary to protect students. To enact these reforms, we are asking for your help in two ways:

1. Revise the statutory definition of sexual conduct to make it align with the more comprehensive TSPC regulatory standard (OAR 584-020-0005 [5]) by amending the governing statutes (ORS 339.370-.400).
2. Shorten the timeline and change disclosure practices of TSPC investigations. As the legislatively mandated [2016 audit](#) showed, budget and management issues at TSPC resulted in long delays in licensing and investigations. Some improvements have been reported, but it appears that there are still significant delays in concluding investigations. TSPC issued a suspension order for a teacher only last month related to a complaint filed in January 2015, more than three years ago.

We have already started the important implementation work identified by the investigators, including improving training for employees, volunteers, students, and for those who investigate sexual conduct complaints. We will implement and revise relevant practices, policies and procedures. And, we will work with our employees, parents, and others to implement the other recommendations.

We welcome any questions you may have and look forward to working with the Legislature, the Governor, parents, and other stakeholders to improve protections for Oregon's students.

Sincerely,



Guadalupe Guerrero
Superintendent



Julie Esparza Brown
Vice Chair, Board of Education



Julia Brim-Edwards
Chair, Board of Education



Rita Moore
Vice Chair, Board of Education