



Oregon

Kate Brown, Governor

TEACHER STANDARDS AND PRACTICES COMMISSION

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TO: The Honorable Representative Alonso Leon and esteemed members of the Oregon House Committee on Education

FROM: Dr. Anthony Rosilez, Executive Director.
Trent J. Danowski, Deputy Director.

RE: 2021 Regular Session - House Bill 2058

Representative Alonso Leon and Members of the House Committee on Education,

The Oregon Teacher Standards and Practices Commission (TSPC) offers the following information with respect to House Bill 2058, which seeks to revise the criminal records checks conducted by the Oregon Department of Education.

TSPC has learned that the Committee membership desires to know more about the process used by TSPC when completing the required background check on persons who submit applications for professional licensure through this agency. The following information is provided in an effort to address such questions:

The TSPC Background Check on applicants for professional licensure through the agency is multi-faceted, comprised of not more than four components which the applicant must clear before the licensure application is allowed to proceed for agency processing.

1. Fingerprint based Criminal History Check through the Oregon State Police and the FBI – First time applicants for TSPC licensure are required to be fingerprinted for the purposes of completing a state and national criminal history records check. For every application to TSPC thereafter, a criminal history check is completed through the Law Enforcement Data System (LEDS) for the State of Oregon only. This LEDS check typically does not require the applicant to be re-fingerprinted.
2. Character Questions – Every applicant for TSPC Licensure is required to respond to a series of ten (10) Character Questions. The questions require that the applicant self-disclose all criminal history (i.e. arrests and convictions), as well as all adverse actions taken by current or previous employers due to non-criminal conduct by the applicant. If it is determined the applicant has failed to disclose any criminal history, the application is flagged and not processed until such time that the agency has reviewed the matter and obtained a written explanation from the applicant as to why the failure to disclose occurred. Failure to correctly disclose information for any of the ten (10) Character Questions constitutes independent grounds for a TSPC investigation of the applicant (if determined necessary), and potentially a



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denial of the application for licensure by the TSPC Commission.

3. The NASDTEC Clearinghouse Database – The National Association of State Directors of Teacher Education and Certification (NASDTEC) maintains a database of educators who have received professional licensure sanctions from all fifty states and parts of Canada. TSPC regularly cross-checks new licensure applicants, as well as existing license holders against the information in the NASDTEC database. When TSPC receives a “hit” in the NASDTEC Database on an applicant or existing license holder, a TSPC investigation is opened to determine the nature of the NASDTEC hit, and subsequently to allow the TSPC Commission to determine what (if any) action against the pending application, or educator’s existing license, is necessary. For example, if TSPC learns through the NASDTEC Database that a TSPC licensed educator has had their professional licensure revoked in another state due to misconduct, the revocation of the other state’s licensure constitutes grounds for the TSPC Commission to revoke the educator’s license in the State of Oregon.

As an additional note, TSPC regularly contributes licensure sanction information to the NASDTEC Database so that state licensure agencies around the country are notified of educator misconduct conducted while employed in Oregon.

4. Internet / Social Media Check – For a small, random selection of first time applications submitted by out-of-state applicants, TSPC personnel will run the name of the applicant through an general internet search engine query to see if the search generates any news articles, social media postings, or other information on the applicant which may trigger the need for TSPC to gather additional information on the applicant through an investigation.

When considering information found on an applicant’s Criminal History, TSPC operates under Oregon Case Law which limits the types of crimes and offenses the Commission can act upon if a TSPC licensed educator is convicted of a crime (See *Teacher Standards and Practices v. Bergerson*, 2007). Case law dictates that, in order for the Commission to sanction an educator for a criminal conviction, the criminal act either must be listed in ORS 342.143, or has to have some type of nexus to the profession of education or the educator’s professional duties. Without a nexus to education, and provided the crime is not listed in ORS 342.143, the Commission is limited in its capacity to sanction an existing TSPC license holder for criminal convictions. As interpreted by the courts, the nexus requirement established by the case law is a very high bar to demonstrate.

The Commission retains greater authority in instances of first-time applicants who have never held TSPC licensure before. The Commission regularly investigates first-time applicants whose criminal history check reveals arrests or convictions of violent misdemeanors or felonies, as well as crimes closely associated with the crimes listed in ORS 342.143. The completed TSPC investigation is then reviewed by the TSPC Commission to determine if the applicant is fit to hold professional educator licensure in the



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State of Oregon.

Thank you for your time and consideration of this information.

If I can provide any further information on this topic, please contact me at trent.danowski@oregon.gov.