

House Bill 3264

Sponsored by Representatives HELFRICH, STOUT; Representatives MANNIX, WRIGHT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes timelines for Teacher Standards and Practices Commission to conduct investigation after receiving complaint.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to investigation timelines for the Teacher Standards and Practices Commission; creating
3 new provisions; amending ORS 342.176; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 342.176 is amended to read:

6 342.176. (1)(a) A person may file a complaint with the Teacher Standards and Practices Com-
7 mission regarding a commission licensee. If a complaint concerns an allegation of sexual conduct
8 that may have been committed by a commission licensee, the complaint process provided by this
9 section does not apply and the commission shall investigate the complaint as provided by ORS
10 339.390.

11 (b) Prior to beginning an investigation based on a complaint filed under paragraph (a) of this
12 subsection, the commission may require verification that attempts were made to resolve the com-
13 plaint through the complaint process of the school district that employs the person against whom
14 the complaint was filed. **Verification that attempts were made to resolve the complaint**
15 **through the complaint process of the school district may not exceed five calendar days, and**
16 **the finding of the verification must be documented and reported to the school district in**
17 **writing no later than seven calendar days following the date the complaint was filed with the**
18 **commission.**

19 (c) [*After receiving*] **Within five calendar days following receipt of** sufficient verification as
20 provided by paragraph (b) of this subsection, the commission shall [*promptly*] undertake an investi-
21 gation upon receipt of a complaint or information that may constitute grounds for:

22 (A) Refusal to issue a license or registration, as provided under ORS 342.143;

23 (B) Suspension or revocation of a license or registration, discipline of a commission licensee, or
24 suspension or revocation of the right to apply for a license or registration, as provided under ORS
25 342.175; or

26 (C) Discipline for failure to provide appropriate notice prior to resignation, as provided under
27 ORS 342.553.

28 **(d) The commission must complete an investigation based on a complaint within 60 cal-**
29 **endar days following the date the complaint was filed with the commission.**

30 (2) The commission [*may*] **shall promptly** appoint an investigator and shall furnish the investi-
31 gator with appropriate professional and other special assistance reasonably required to conduct the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 investigation.[, and] The investigator is empowered to issue subpoenas to require the attendance of
 2 witnesses or the production of documents over the signature of the executive director of the Teacher
 3 Standards and Practices Commission, subpoena witnesses over the signature of the executive direc-
 4 tor, swear witnesses and compel obedience in the same manner as provided under ORS 183.440 (2).

5 (3) **Within five calendar days** following completion of the investigation, the executive director
 6 or the executive director’s designee shall report in writing any findings and recommendations to:

7 (a) The commission, meeting in executive session[, *at its next regular meeting following com-*
 8 *pletion of the investigation*]; and

9 (b) The person against whom the charge is made, following consideration by the commission.

10 (4)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used
 11 in the investigation undertaken as provided by this section and the report related to the investi-
 12 gation are confidential and not subject to public inspection unless the commission makes a final
 13 determination to:

14 (A) Refuse to issue a license or registration, as provided under ORS 342.143;

15 (B) Suspend or revoke a license or registration, discipline a commission licensee, or suspend or
 16 revoke the right to apply for a license or registration, as provided under ORS 342.175; or

17 (C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided
 18 under ORS 342.553.

19 (b) Records made available to the commission under ORS 419B.035 (1)(h) shall be kept confi-
 20 dential.

21 (5) If the commission finds from the report that there is sufficient cause to justify holding a
 22 hearing under ORS 342.177, the commission shall notify in writing:

23 (a) The person charged, enclosing a statement of the charges and a notice of opportunity for
 24 hearing;

25 (b) The complainant; and

26 (c) The employing district or public charter school, if any.

27 (6) If the commission finds from the report that there is not sufficient cause to justify holding
 28 a hearing under ORS 342.177, the commission shall notify in writing:

29 (a) The person charged;

30 (b) The complainant; and

31 (c) The employing district or public charter school, if any.

32 (7) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section
 33 in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions.

34 **SECTION 2. The amendments to ORS 342.176 by section 1 of this 2023 Act apply to com-**
 35 **plaints received on or after the effective date of this 2023 Act.**

36 **SECTION 3. This 2023 Act being necessary for the immediate preservation of the public**
 37 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
 38 **on its passage.**

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