



Oregon

Tina Kotek, Governor

TEACHER STANDARDS AND PRACTICES COMMISSION

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Oregon State Legislature
Senate Committee on Education

RE: Senate Bill 218 – Testimony in Support of the Bill’s Passage

March 9, 2023

To the Honorable Senator Dembrow (Chair), the Honorable Senator Weber (Vice Chair), and the distinguished membership of the Senate Committee on Education:

Please accept this letter as written testimony in support for passage of Senate Bill 218.

The Oregon Teacher Standards and Practices Commission (TSPC) is mandated by state statute to investigate (ORS 342.176) and discipline (ORS 342.175) licensed educators whom the TSPC Commission determines to be in violation of the commission’s rules on educator professional conduct and ethics (OAR 584-020-0000). Senate Bill 218 has been drafted to better support the efficiency of the agency in carrying out these statutory mandates. The language of the bill enhances interagency cooperation within investigations, minimizes delays and obstructions in TSPC obtaining certain official records for the purposes of our investigations, and provides TSPC with reasonable autonomy to divert limited agency resources away of received complaints which have no merit.

To better illustrate exactly how the provisions of Senate Bill 218 would benefit TSPC, below I have broken the bill down by section and explain how each provision of the bill solves a problem for TSPC and increases the overall efficiencies of the TSPC Professional Practices (Investigations) Unit.

Section 1:

The added language in section one comes at the request of both TSPC and ODE. The added language will allow ODE to share any relevant investigation materials they have produced with TSPC when TSPC has a concurrent or otherwise related investigation on the same person / educator. As statute language exists currently, ODE is only allowed to share investigation files with TSPC when both TSPC and ODE are investigating under the provisions of the State’s Educator Sexual Conduct laws. This revision will enable ODE to share relevant investigation documents with TSPC in the event TSPC has an active investigation on the person, but the TSPC investigation does not necessarily fall under the provisions of the Educator Sexual Conduct laws.

Section 2:

The added language in this section will allow for state law enforcement agencies to share / provide TSPC with police reports directly and in a timelier manner. Current statute restricts TSPC to only obtaining police reports through the Oregon Department of Human Services (DHS). See ORS 419B.035(1)(h). The problem which TSPC has faced is that DHS only has police reports to provide to TSPC when DHS has also investigated the same incident that TSPC is investigating. When DHS does not / has not opened an investigation on a matter TSPC is investigating, DHS does not have the capacity to provide TSPC with necessary police reports. And when TSPC goes directly to local law enforcement agencies to obtain

police reports, TSPC is blocked from obtaining the reports; law enforcement agencies are very quick to throw the language of ORS 419B.035(1)(h) back at us, deny our request, and send us back to DHS. And so TSPC gets caught in a loop and ultimately may be unable to obtain necessary police records for our investigations; these delays and failures to obtain necessary records add time and expense to TSPC investigations.

TSPC is not asking for special treatment with this language; upon review of the bill's language, you will note TSPC is simply asking to be included with the other state agencies – under the same confidentiality requirements – which have the capacity to receive police reports directly from law enforcement.

The current ORS limitations regarding police reports which are applied to TSPC do not exist for ODE and their investigations unit. Those limitations should not exist for TSPC either.

Section 3:

The added language to this section closes a loophole in statute passed under HB 3351 back in 2017. HB 3351 empowered TSPC to send a received complaint (a complaint other than one of Educator Sexual Conduct) back to the reporting patron when TSPC determines that the patron has failed to go through the local school district's complaint process prior to elevating their complaint to TSPC. The idea was that TSPC would send the complaint back to the patron, the patron would go through the district complaint process, and then return to TSPC afterward if they remained unsatisfied with the district-level outcomes.

State Statute requires TSPC to open investigations upon receipt of a patron or district complaint. So TSPC must open the investigation before an informed determination can be made on whether the complaint would be a viable option to send back to the patron under the provisions of HB 3351. So what is happening is that TSPC has opened investigations, but sent the complaint back to the patron and waits for a patron response. But the patrons are not coming back to TSPC with any evidence that they went to the district; in fact, TSPC never hears from most of them ever again. So TSPC now has several "Open" investigations which are in a perpetual "Limbo" because the patron has declined to respond to TSPC under the requirements of HB 3351.

The added language closes the loophole by installing a timeframe after which TSPC can administratively close these cases in the event the patron fails to come back to TSPC with the complaint, etc.

Section 4:

The added language in this section may be one of the most impactful tools state legislature can provide to the agency to help reduce agency costs. The language empowers the agency Executive Director (or Designee) with the authority to determine which investigations will go before the Commission for review. Again, under current statute, all complaints received by TSPC are investigated and go before the Commission.

The landscape of who sends TSPC complaints, and why, has changed drastically since the inception of TSPC and the current statute language. TSPC is bombarded by superfluous or retaliatory complaints, as well as complaints which fall outside of TSPC's Jurisdiction, every year. But under statute, TSPC has no choice but to work these complaints through the investigation process and present them to the Commission for consideration. The requested language would empower TSPC's Executive Director, under the direction of the TSPC Commission, to function more like a district attorney by weighing the jurisdiction, evidence, and validity of a received complaint to determine if a full TSPC investigation on the complaint should go to the Commission for consideration. Yes, this language will require that both the TSPC Commission and State Legislators trust the TSPC Executive Director to make decisions on cases in

the best interest of student safety, of the profession of education, and of the state. But passage of this language would be the single most impactful statute revision in terms of TSPC investigation operations; it would provide the agency with the capacity to better focus our limited resources on the case investigations which have legitimate student safety and/or professional standards implications, and allow the agency to administratively close investigations which have no merit and not forward such cases to the Commission.

On behalf of TSPC's Executive Director, Dr. Anthony Rosilez, I want to extend my gratitude to the Senate Committee on Education for your time in consideration of this information. TSPC believes the provisions of Senate Bill 218 to be very beneficial to the investigations operations at TSPC, and we ask that this Committee support the agency by moving this bill forward with a 'Do Pass' recommendation.

Sincerely,



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