

Debbie Fery, Oregon Substitute Teachers Association

Public Testimony - 1/29/2025

RE: OSTA Recommends an entire Overhaul of the TSPC Process - Background Check to Courts Process.

Here is what we know TSPC has already said they have too many complaints, to many investigations - as noted in their House Ed presentation last Wednesday, and now they want to charge educators for the cost of the investigation via SB 804 in the Senate Judiciary. The Educator has really no due process until the case goes to the Court of Appeals as the Contested Case process is a Proposed Ruling process that TSPC does not have to consider and often does not....as noted on their webpages.

The Contested case process is one-sided with most procedural control with TSPC. As you know already once the Educator is Disciplined, they get on a list that there is no clear way to get off, even when a stipulated and default order is done between TSPC and Educator, the educator serves their discipline and is back in the classroom, they remain on the list. ORS 342.203. There as of this morning 2025 Educators on this public list, the oldest record I found is from 1994. The cost to the Educator of any level of fight to clear their name is financially expensive. OSTA has developed a proposal and has shared that proposal with both the Senate and House Education Committee with Rep Boomer Wright taking preliminary action on this...we have no LC as yet.

OSTA believes that Substitute Teachers are the forgotten group in the Oregon Educator workforce. We have seen in State Agencies presentations last week, the Substitute population is not listed and not accounted for. The Oregon Substitute Teacher workforce 6 to 8 thousand strong. OSTA is seeking to change this.

We know that those educators of color, and other gender identities, sexual orientations often are disproportionately targeted for complaints. It does not take much for a substitute teacher to lose their job. Substitutes are often target of complaints and job loss since the vast majority of us do not have collective bargaining contracts and half of Oregon's School District and ESD have outsourced us to staffing agencies. We do not get paid administrative leave.

OSTA believes that the general public and legislators think that issues of inappropriate educator and student contact are the primary issues that TSPC get complaints on. This is far from the truth. TSPC has investigated and disciplined educators that involve no school, no student and or no employment. TSPC also has document read level to Oregon's ECourts, which is Oregon's Judicial System case management systems. This information is not disclosed to Educators and information contained in the records has been used against the Educator that was not part of the complaint. There are cases with TSPC that even when the School District many rescind their complaint, TSPC continues on. There is no disclosure by TSPC on their background check process. As far we can tell from case, every aspect of the Educator life is subject to complaint and investigation regardless of timeframe and whether a non educational employer was involved. For the Educator there is no escape from the past as TSPC requires the educator to disclose events that occurred decades ago.

OSTA believes in the short term, there needs to be a way for a disciplined educator to get off the

list, especially when that educator has an active teaching license or the ability to get one and or is in the classroom.

OSTA believes given the breath of authority TSPC has should be reduced as there are other entities better trained and skilled in investigation and work needs to be done on what really is a complaint and what is not. Right now, an Educator can be subject to a complaint on pretty much anything. The Contest Case process is a not the answer

I have suggested that TSPC do an informational presentation on this investigation process, from Complaint to Contested Case all the checks and balances of an educator background when they apply or renew their license and then how the employment process gets applied to this complaint and discipline process. TSPC has provided no data on race, gender, orientation, timelines and even the number of Educators who win in their contest case process, but the Commission rejects the Administrative Law Judges ruling.

This bill does not address the numerous problems of the complaint and investigation process for students, parents and all educators. It is overly expensive, and not timely. This is a broken process at multiple levels. It is not Ok to keep doing what we are doing. It does not work for anyone, well except TSPC.

I urge you chair and vice chair and committee to look into the bigger picture here and request a taskforce bill to overhaul this process and address the checks and balances, authority of TSPC, and who is better able to do this work and judicial authority in these cases..