

Submitter: Leslie Polson
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure, Appointment or Topic: SB804

Leslie Polson opposes SB 804

In 2006 one of OSTA (Oregon Substitute Teachers Association) members was charged with Sex Abuse, allegations coming out for a subbing day at a Woodburn Elementary School. One of the sub coordinators had a crisis with a no-show substitute teacher and needed an experienced substitute teacher to take over a difficult classroom. She relocated to the new school and took over the class. Students were running around the room and not following directions. She told the students that they were not ready for recess and they needed to work. Once they settled down she got permission to take them out for recess. She said the day was tough.

Two days later she came back to this school and was arrested for sex abuse. The accusation said that she had walked the students back to class, stopped at the bathroom and went in, pulled one of the female student's pants down, and touched her vagina. She was arrested and posted bail. She was banned from teaching and went home. She called for legal references. Walter Todd told her it would cost \$100,000 for defense and she would have to pay it up front. For 2 years she waited at home, unable to work. She found a lawyer she could afford.

2 years later when she went to court she was convicted and sentenced to jail. The child could not recognize her in court. None of the students who could corroborate the story were allowed to testify. The counselor who had her door open and witnessed the children going back to the classroom was not allowed to testify. All educators were pulled off the jury panel so she was convicted by noneducators and people with no knowledge of the educational system.

https://www.oregonlive.com/pacific-northwest-news/2012/07/substitute_teachers_sex-abuse.html

The legal defense was paid out of her husband's retirement. The family was decimated economically. When a substitute teacher is accused of a crime, they are not allowed in the classroom and not allowed to teach. They are without income and are not be able to pay for their investigation. This period of life without income, paying for the investigation is financially crippling. In the criminal system, it costs money to defend yourself. Once the charges result in a conviction, the process moves to a TSPC investigation which has the financial advantage in this situation. Educators frequently incur very costly legal expenses. Often it is cheaper to plea bargain so that you can move on with your life. in this teacher's case she plea bargaining to a menacing charge which still made her eligible to teach.

She maintained that the child was called mentirosa (liar) by the other students and if they were allowed to testify they could corroborate her story. She could not compel the students to testify so the word of the student resulted in a conviction. a contracted educator has a union lawyer to assist with the investigation. A substitute educator may pay for a lawyer and find a way to survive financially during the investigation period. This bill denies the 14th Amendment Equal protection: All citizens have equal protection under the law. It violates Due process because it deprives the educator, anyone of life, liberty, or property, without due process of law