

Senate Judiciary 2/25/2025

SB 804 - Oppose

Chair, Prozanski Vice Chair Thatcher and Committee

Debbie Fery, Oregon Substitute Teachers Association, we are an advocacy association for Substitute Teachers State-Wide - we are all volunteers and we are funded with Member dues. I served on The Taskforce on Substitute Teachers and held the seat of Substitute Teacher.

I have listened too, read, watched and asked lots of question regarding TSPCs investigation process and looked at cases posted on their Educator Discipline list on their website. Here is the takeaway...it is not working. TSPC wants to charge Educators for an investigation that often did not need to happen in the first place and should be left at the school district to complete the Investigation. It seems that every complaint at the school level now seems to make its way to TSPC to either redo what the school district has already done or simply takeover something that the school district is already funded and expected to do.

OSTA Recommends an entire Overhaul of the TSPC Process - Background Check to Courts Process for the Educator to get Due Process as the Contest Case process is stacked against the Educator...simply the TSPC does not have to accept the Administrative Law Judges Ruling. Futher when TSPC Exectuve Mangement was asked what their top three categories of investigations on their docket as given in testimony on SB805.

1. Retaliation one Adult to another Adult
2. Retaliation of an Adult to Student or Child
3. Discrimination

The right questions are not being asked.. TSPC based on testimony has over 500 outstanding investigations and this has grown substantially since last fall.....why? Why has TPSC become an extended School District HR Department?

TSPC has so many investigation they cannot afford the DOJ fees and costs and now going after Educators to for their own investigations. This is simply plain wrong. There should be questions asked....Should that complaint have even come to TSPC in the first place?

OSTA recommends a Senate Committee Bill to form a Taskforce to Outline, Dissect, Streamline, cleanup the contraticory ORS and OAR surrounding Educator Background Checks, Complaints, Investigation, Discipline and Court Processes.

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 accept and often does not....**as clearly noted on their webpages.**

If an Educator swin their Contested Case process or the Court of Appeal - should they be entitls to Fee and Cost, and other damages? Isn't this process supposed to go both ways.....in practice it does not.

The Contested case process is one-sided with most procedural control with TSPC. When an Educator is Disciplined or sanctioned, they get on a publically published list that there 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. The Educator cannot stipulate their way off this list. see ORS 342.203.

The cost to the Educator of any level of fight to clear their name is expensive and it does not Stop with Litigation as presently that Discipline and Cost is LifeLong even when that case that got them on the list is overturned by the Supreme Court....see Nancy Baker Krofft., the damage to the Educator who goes through this process is not acceptable, the damage is far beyond money. OSTA has developed a proposal and has shared that proposal with both the Senate and House Education Committee. We are looking to have way for low level sanctioned educators to get off the public posted list with a process and protocol developed.

OSTA believes that Substitute Teachers are the forgotten group in the Oregon Educator workforce. We have seen in State Agencies presentation, 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, or a classroom teacher to get a complaint filed with TSPC. **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 investigates. This is far from 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 Courts, which is Oregon's Judicial System case management systems. This information is not disclosed to Educators and information contained in these 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 with their discipline and investigation.

There is no disclosure by TSPC on their background check process. As far we can tell from cases, 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 and failure to do so results in investigation and discipline. What person would want to work in our public education system with this level of scrutiny.

I am sure you know that Oregon has an Educator workforce problem, in that nobody wants to be a teacher anymore.....Additionally negotiated contracts with teachers and school districts do not take into account this level of intrusion and continuous background checks. If our public education system wants this level of scrutiny they need to be prepared to pay for it.

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 is not addressing those with revoked license or the revoked ability to get a teaching

license. **We are ONLY addressing those educators who are or who can be 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.

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.

OTSA requests a No Vote on this Bill.

Thank you