

Dear Chair Neron, Vice Chair Dobson and McIntire, and members of the Committee

My name is Leslie Polson and I am president of the Oregon Substitute Teachers Association.

I am writing to express concerns about the way TSPC investigations function and ask that more oversight be given.

One of the teachers at a school where I did long-term teaching assignments is a prime example. I was reviewing the timeline of her transgressions. *See in the matter of Kaitlin Frederickson* She had a teaching license that was based on an alternative pathway model. Following her file history there are numerous lag periods in the time that TSPC noticed that her license had issues and corrections were submitted to complete the file. There were 2 to 3 months in lag time before any of the errors would be noted. One of the big concerns that educators have in my world is getting a hold of TSPC to get their license renewed so that they can legally teach. As president of the Oregon Substitute Teacher Association, I recently received a letter from a teacher about a penalty because she had applied for her renewal. She had forgotten to submit a check and was now being assessed a \$185 penalty for being late 2 months late. The penalty started when the letter was processed and not received. Had she been notified when the letter was received this could have been easily corrected. Teaching without a license is a serious sanction however one of the complaints I hear is that TSPC takes a long time to process basic correspondence about missing information and what steps are needed to correct a file.

Teaching is a labor-intensive job. Many educators work late into the evening and on the weekends to grade and create assignments. Most educators are salaried so time spent does not count. With TSPC taking a long time to process applications missing information can take a long time to remedy in a full-time teaching world. *In the matter of Kaitlin Frederickson* this particular teacher application problem was noted in 2018 and the sanction order was not issued until 2022. That included a time on Administrative Leave as well as the pandemic. What was missing in the complaint was malice. Did this educator maliciously and deliberately teach without a license or was the commission slow on correspondence and processing missing information? In reading this case I wondered who caused the problem - the educator or TSPC?

As for the sex abuse allegations, these are criminal cases that are investigated by the police agency of the community and referred to the District Attorney for prosecution. In the case of one of our members - Lucinda Hites-Clabaugh, Woodburn Police Officer Potter interviewed the principal, the student, and Hites-Clabaugh. Those interviews were the extent of Potter's investigation. Based on Potter's report the Marion County District Attorney charged Lucinda with first-degree sexual abuse. During the Hites-Clabaugh 2009 trial, the prosecution's case consisted of testimony by the principal, the teacher, Officer Potter, and the student. The victim testified a teacher touched her crotch over her clothing for about a minute. The substitute teacher had not taken the students out to recess at their regular time because the class was noisy. When the class calmed down, they were given recess. The victim testified that the substitute teacher lined the students up in the hall and took this particular student into the hall to abuse her. The rest of the students waited in the hall while this happened. Not allowed in the

court testimony were the witness statements of the other students and the counselor whose office was across from the bathroom and whose door was opened.

In court, when the victim was asked, she said she didn't see the person in the courtroom who touched her. So the student didn't identify Lucinda as the alleged perpetrator either by name or in person. On April 10, 2010, TSPC issued a hearing notice which was based on the Nov 29, 2009 conviction for a count of Sex Abuse 1, MC Case 08C48426. The TSPC investigators used the data from MC Court and the court proceedings. Lucinda Hites-Clabaugh appealed her conviction so the order was put on hold until the case was disposed of by the Court of Appeals. The conviction was overturned and remanded to the lower court. She then agreed to a no-contest count of harassment. Her stipulated order with TSPC was based on this new order MC 12C46632. All investigations and proceedings were done by the Woodburn Police Department, Marion County DA, and Hites Clabaugh. TSPC accepted their findings and investigations before issuing the stipulated order.

The acting director of TSPC says that out of the over 500 investigations, only a small amount make the cut. What will 9 investigators buy for 4 to 5 serious cases a year? Is TSPC the best source for these investigations? In a conversation with Representative Lesley Muñoz, she brought up the fact that the Human Resources of the School District was no longer investigating teacher complaints for the adult on adult conflicts. According to TSPC testimony, the bulk of complaints are adult-to-adult problems with retaliation combined. Many of these civil rights complaints were investigated by the school human resources community before being referred to the Teachers Standards and Practices Commission. These investigations are more timely and reduce administrative costs for the school district.

With this information, why does TSPC need more money for investigations? For felony and misdemeanor complaints, the law enforcement system investigates. They work with the court system. TSPC bases its remedies on the outcome of the court cases. These are often the high-profile cases that are on the news. TSPC makes its determinations based on the outcome of the legal proceedings.