

Oregon's star chamber

Educator regulatory board fails to follow even basic due process

Gov. John Kitzhaber has made education reform one of the centerpieces of his second administration. For the reform to be complete, he needs to include the Teacher Standards and Practices Commission among the areas targeted for change.

The change needed in that organization is less about education and more about requiring it to follow the basic tenets of due process in its investigations. There is plenty of evidence to suggest that is sorely lacking now.

Eagle Point Superintendent Cynda Rickert has encountered that evidence firsthand, as she has been forced to defend herself against what were essentially secret allegations of wrongdoing — so secret, in fact, that investigators would not even tell her on what grounds she was being investigated. That lack of transparency is only one of the many astonishing violations of basic fairness perpetrated by the agency.

The TSPC's mission is to oversee the training and licensing of educators and to handle disciplinary actions when educators are accused of committing crimes or violating state standards. While we have no issue with aggressively pursuing allegations of wrongdoing on the part of educators, the commission's process in doing so is essentially a star chamber, in which there are virtually no safeguards to protect the accused.

Rickert has been the target of an ongoing series of complaints filed with the TSPC and the Oregon Department of Education. The chief accusers are former Eagle Point School Board members who found themselves on the losing side of district decisions — some involving acrimonious labor issues that led to a teacher's strike. They sought to besmirch Rickert and the district, and in the TSPC, they found the perfect tool to do that.

The violations of basic due process that Rickert has encountered are many:

- ◆ She was the target of a complaint in early 2010 but didn't learn of that for a year and a half.
- ◆ When TSPC investigators contacted her, they would not tell her what she was accused of.
- ◆ The TSPC refused to tell her who filed the complaints.
- ◆ When Rickert traveled to Salem to address the meeting of the commission in which her case was being heard, she was told she had no right to attend the meeting.
- ◆ When she asked for details on the hearing, she was told there would be no minutes made available and whatever vote was taken would be secret.

◆ In more recent complaints — filed by the same embittered former board members in Eagle Point — information about her case was released to the media before she knew anything about it.

If, after its secret hearing, the commission finds the accused guilty of misconduct — which it has not so far in Rickert's case — it then assesses a penalty and notifies a the parties. So the accused finds out what they have been accused of and the penalty they've been assessed before they are allowed to provide any defense.

An accused educator who does not agree with the charge and declines to roll over can demand a hearing before an administrative law judge. But, in the final chapter, the TSPC is not bound by the decision of the judge.

That kind of process by a public body almost defies belief and is clearly not acceptable by any modern standard of fairness. Empowering a state agency to employ star chamber tactics in prosecuting someone anonymously accused not only does disservice to the educator facing the allegations, but also to the state and its citizens, who can have no confidence in a quasi-judicial process that lacks the very basics of due process.

Yes, governor, do what's necessary to bring the state education system into the 21st century. While you're at it, you should bring the Teacher Standards and Practices Commission into the 20th century.