

ANALYSIS

Item 6: Teacher Standards and Practices Commission Licensing and Investigations Backlog

Analyst: Julie Neburka

Request: Increase Other Funds expenditure limitation by \$1,092,436 and establish eight limited duration positions (6.00 FTE) to address a backlog of investigations and applications for licensure.

Analysis: The Teacher Standards and Practices Commission (TSPC) licenses educators, maintains and enforces professional standards for educators, and approves educator preparation programs in Oregon. The agency's three statutory responsibilities are:

- Establishing rules and issuing licenses and registrations to teachers, administrators, school nurses, school counselors, and school psychologists;
- Maintaining and enforcing professional standards of competent and ethical performance and proper assignment of licensed educators through investigations and sanctions; and
- Establishing standards for college and university teacher education preparation programs and approving those programs that meet standards.

The agency reports significant processing backlogs for the first two of its three primary responsibilities. The number of applications for professional licensure has risen over the past three years beyond pre-pandemic levels, with an estimated 3,000 applications at various stages of the license application process as of October 31, 2023. Existing staff using the agency's current technology are not able to process the volume of applications in a timely way. In order to both address the backlog of license applications and smooth the transition to a new licensing system in 2024, two limited-duration full-time Public Service Representative positions are required through the end of the current biennium. After that time, the new licensing system is anticipated to significantly improve TSPC's licensure workflow by streamlining data entry, improving user interfaces, and simplifying information exchange with applicants, school districts, and educator preparation programs. This system is currently in Stage Gate 2 of the state's information technology investment oversight process, and was funded in the agency's 2023-25 budget bill (SB 5537).

TSPC's Professional Practices unit investigates complaints of educator misconduct that it receives from school districts, members of the public, law enforcement, and the Department of Human Services. After a decline in complaints during the COVID-19 pandemic that allowed the Professional Practices unit to resolve much of the then-existing backlog, the agency has seen a sharp increase in the number of complaints received and investigations opened over the past two years, overwhelming TSPC's ability to conduct and complete investigations in a timely way. Given that the majority of complaints and investigations are closed or investigated within one year, a limited-duration staff of five investigator 2 positions and one administrative assistant position should address a significant portion of the backlog by the end of the 2023-25 biennium.

Other Funds resources for addressing both the licensure and investigation backlogs are available due to higher-than-anticipated licensure revenue in the 2021-23 biennium. In light of the increased number of investigations TSPC has been required to undertake in the past year, the agency is encouraged to

analyze its revenue streams and evaluate whether or not permanent, ongoing investigator positions might be supported in the 2025-27 budget.

The Legislative Fiscal Office (LFO) notes that the limited duration positions are requested for 18 months of funding in the current biennium, which is well in advance of the timeline for potential approval during the 2024 legislative session; therefore, the LFO recommendation is based on position starting dates of April 1, 2024.

Recommendation: The Legislative Fiscal Office recommends that the Joint Interim Committee on Ways and Means recommend including an increase of \$914,270 in the Other Funds expenditure limitation and authorizing the establishment of eight limited duration positions (5.00 FTE) for the Teacher Standards and Practices Commission of in a budget reconciliation budget bill during the 2024 legislative session to address a backlog of investigations and applications for licensure.

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Teacher Standards and Practices Commission
Crawford

Request: Increase Other Funds expenditure limitation by \$1,092,436 and establish eight limited duration positions (6.00 FTE) to support licensing and investigations.

Recommendation: Approve the request during the 2024 Legislative Session, with the following modifications: increase Other Funds expenditure limitation by \$961,130 and establish eight limited duration positions (5.00 FTE) to support licensing and investigations.

Discussion: The Teacher Standards and Practices Commission (TSPC) is responsible for establishing, upholding, and enforcing educator professional standards. This is done through the licensing of teachers, administrators, and other personnel employed in Oregon schools, and by taking disciplinary actions in regard to those licensees when necessary.

To track how TSPC is meeting these goals, the agency has two Key Performance Measures (KPM). One requires TSPC to complete the processing of at least 60 percent of license applications within 30 days. However, over the last several years, there has been an increase in license applications resulting in longer wait times, albeit with increase revenues. TSPC is seeking two additional limited duration Public Service Representative 4 positions (1.50 FTE) to help speed application times.

The second KPM relevant to this request requires TSPC to resolve 75 percent of investigations within 180 days unless pending in another forum. Additional cases and referrals of cases from the Department of Human Services have outpaced historical averages in recent years. The increase is such that cases are being opened at a faster rate than they can be completed, creating an increasing backlog. The agency is seeking five additional Investigator 2 positions (3.75 FTE) to help reduce backlog and an additional Administrative Specialist 2 (0.75 FTE) to support the additional clerical needs of the investigations staff and agency.

This recommendation includes all positions, but with a start date of April 1, 2024, leaving each position with at 0.63 FTE, rather than the January 1, 2024, start date reflecting the 0.75 FTE requested by the agency and the commensurate reduction in Other Funds expenditure limitation.

Legal Reference: Increase the Other Funds expenditure limitation established by chapter 484, section 2, Oregon Laws 2023, for the Teachers Standards and Practices Commission, general operations, by \$961,130 for the 2023-25 biennium.



Oregon

Tina Kotek, Governor

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December 8, 2023

Senator Elizabeth Steiner Co-Chair
Representative Tawna Sanchez, Co-Chair
Joint Interim Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs:

Nature of the Request

The Teachers Standards and Practices Commission (TSPC) respectfully requests an increase in Other Funds limitation of \$1,092,436 and the establishment of eight limited duration positions (6.00 FTE) for support of our investigations and licensing functions.

Agency Action/Background

TSPC has an immediate and dire need for help to reduce the backlog of license applications and correspondence, as well as a considerable backlog of licensure complaint investigations. TSPC has identified sufficient Other Funds to pay for these positions coming from greater than expected revenues from licensing fees from the previous biennia.

TSPC had two limited duration customer service positions in Licensure from the 2022 session that were not renewed in the 2023-25 budget. Unfortunately, since applications continue to overwhelm the capacity of our permanent staff, we urgently need to add back these 2 positions. As seen in the graph below, application numbers are still extremely high.



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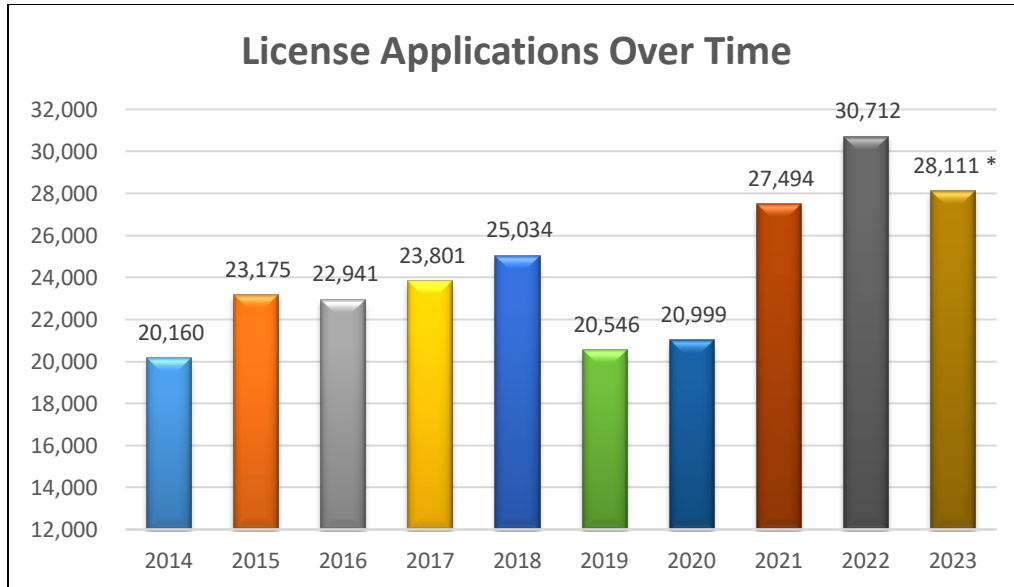
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* - November and December 2023 are projected.

As of October 31, 2023, there are approximately 3,000 applications at some stage of the licensing process. With current technology and staffing, that represents about a two month delay before some applications enter into an actual review. This backlog threatens the agency's ability to meet its Key Performance Measure #2 which requires the agency to complete the processing of at least 60 percent of applications within 30 days.

The requested Public Service Representative positions enable the agency to respond more quickly to customer questions, which speeds processing and improves customer service.

The Professional Practices division has spent considerable effort trying to reduce an investigations backlog that accumulated from last decade, and, in 2019 – 2021, had made substantial progress.



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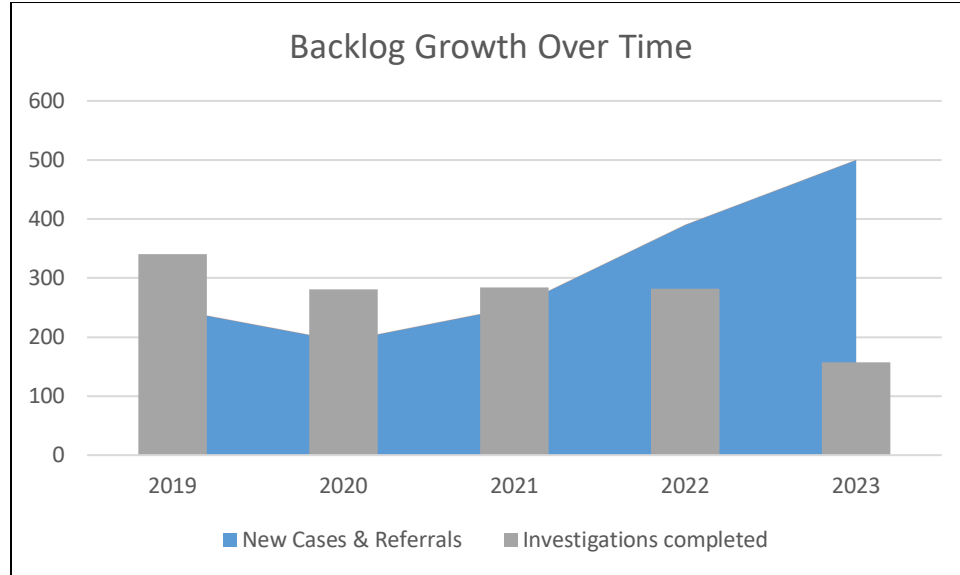
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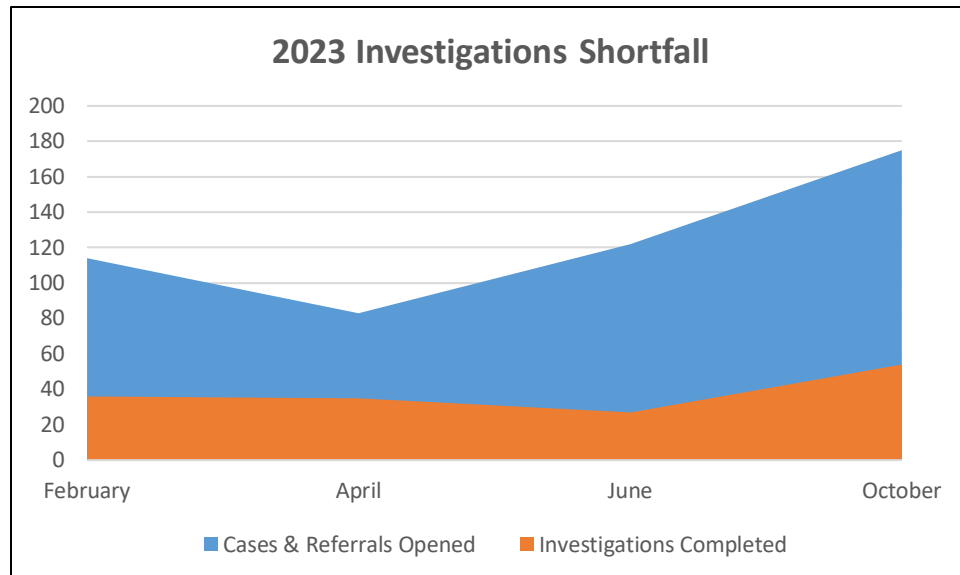
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However, both cases and referrals (primarily from DHS) have grown substantially over the last two years, and so the agency lost ground. Until 2023, TSPC averaged about 200 cases per year. This year, with two months to go, the agency has opened 300 cases – a 50% increase over average. In addition, this year about 3 times as many cases and referrals have been opened as investigations completed.



These numbers add to the already existing backlog so that some cases take up to 18 months or longer to complete.



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TSPC is asking for five limited duration investigators for 2023-25 to clear the accumulated backlog and bring the average time to resolve investigated cases to the Key Performance Measure #3 which targets 75% resolved investigations within 180 days unless pending in another forum.

Administrative support has become a critical need with new programs in Educator Preparation and Pathways, additional casework, and licensing correspondence. The administrative assistant position will support the commensurate increase in clerical needs of the Professional Practice Division, as well as invoicing and accounts payable paperwork for the entire agency.

Action Requested

TSPC respectfully requests \$1,092,436 in Other Funds limitation and the establishment of eight limited duration positions (6.00 FTE). Two of these positions are requested to be classified as Public Service Representatives 4 (1.50 FTE), five positions are requested as Investigators 2 (3.75 FTE) and one position is requested as an Administrative Specialist 2 (0.75 FTE).

Legislation Affected

Oregon Law 2023 Chapter 484, Section 2

Sincerely,

Melissa Goff
Interim Executive Director
Teacher Standards and Practices Commission