



Oregon

Tina Kotek, Governor

TEACHER STANDARDS AND PRACTICES COMMISSION

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Oregon State Legislature
The Joint Subcommittee on Education

RE: Senate Bill 5537 (TSPC Budget Bill)

March 6, 2023

To the Honorable Senator Frederick (Co-Chair), the Honorable Representative McLain (Co-Chair), and the other Distinguished Membership of the Subcommittee:

Please accept this letter as follow-up information to address questions asked by Subcommittee Membership during the hearing of SB 5537 on March 6, 2023. The below information is presented in good faith, and on the behalf of Dr. Anthony Rosilez, to address questions posed to TSPC specifically regarding our work within Professional Practices and investigations.

Committee Membership inquired about the TSPC investigation process, the comprehensiveness of TSPC investigations, and the timelines for a TSPC Investigation.

The goal of every TSPC investigation is to gather all facts pertinent to the received complaint being investigated, and to present those facts to the TSPC Commission in a format which enables the Commission to make informed decisions as to whether the accused educator is in violation of the Commission's administrative rules regarding educator ethics and conduct (OAR 584-020-0000). The TSPC Professional Practices / Investigations Division is very aware of how important it is that our investigations are conducted with the utmost integrity since most every investigation we conduct carries with it significant ramifications, ramifications for both the educator under investigation as well as for any potential student victims of the alleged misconduct.

To conduct the most comprehensive investigations possible, TSPC regularly collects evidence and information from the following sources:

- School district documents & local-level investigations
- Statements and documentation from the party submitting the complaint to TSPC
- Law enforcement reports (if applicable)
- DHS reports (if applicable)
- Court documentation (if applicable)
- Interview of the student victim (if applicable)
- Interview of the educator subject of the investigation
- Witness statements (if applicable)

TSPC investigations are conducted on the most efficient timelines possible given the variables of 1) educator and witness cooperation, 2) cooperation of the employing school district, 3) partner agency cooperation (i.e. law enforcement, DHS, and ODE), and 4) other obstacles that can be expected in most investigations. The current average length of a TSPC investigation is approximately 7 months, but the agency continues to make strides towards meeting the legislatively established goal of bringing the

majority of TSPC investigations within a 6-month timeframe. Agency staff have been focused on incrementally making progress towards this goal for the past three years, and have put the agency in a favorable position to continue to make notable gains toward this goal in the 2023 year.

Committee Membership inquired about the issuance of TSPC Subpoenas in connection to a TSPC investigation, as well as the general responsiveness TSPC receives due to an issued subpoena.

TSPC has the legislatively granted authority to issue subpoenas to compel testimony or to compel the production of documents and information. To a large degree, TSPC issues subpoenas to compel document and information production more than to compel testimony of an educator, etc.

TSPC does not track occurrences of times when multiple subpoenas were sent out to an unresponsive party or school district. However, anecdotally speaking, TSPC investigators tell me that 85 to 90 percent of school districts either fully comply with the established timelines of the subpoena or work with TSPC in good faith if the 14-day timeline to produce documents and information is not feasible for some reason. Generally speaking, TSPC has more issues with the state's larger school districts as it pertains to subpoena responsiveness. Some reasons which TSPC receives for a school district's inability to meet the subpoena timeline are as follows:

- The district has hired a 3rd party investigator to conduct a local-level investigation of the same complaint TSPC is investigating. Since these local-level investigations often include interviews of students and key witnesses, TSPC will generally wait to receive the 3rd party investigation to supplement information gathered by the TSPC investigator.
- The employing district has received additional complaints against the educator and seeks more time to compile all pertinent documentation.
- The employing district received a grievance from the educator's union and/or a civil lawsuit has been filed against the district.

Committee Membership inquired about the volume and impact of cross-reports coming to TSPC from the Department of Human Services (DHS).

It is commonly understood that TSPC investigates complaints from two primary sources: 1) School districts and 2) Public patrons. While these two sources of complaints for TSPC investigation remain prominent, TSPC is beginning to collect data which demonstrates that cross-reports received from DHS are accounting for a much more significant proportion of agency time and effort than previously understood. For their part, DHS does what they can to send a cross-report to TSPC when either the events of the report took place in a school, and/or the perpetrator of the report is a known employee of a school district. To date in 2023, TSPC has received 172 cross-reports for TSPC processing from DHS. In 2022, TSPC received and processed 668 DHS cross-reports in total. In 2021, approximately 32% of TSPC investigations stemmed from the reception of a DHS cross-report. In 2022, that percentage jumped up to 43% of all TSPC investigations stemming from a DHS cross-report.

The processing of a DHS cross-report by TSPC staff entails the following tasks:

1. A received DHS cross-report is reviewed in its entirety by staff and saved to a secure TSPC electronic database for future reference.
2. A determination is then made as to whether the DHS report alleges any misconduct by a TSPC licensed or registered school staff member.

- a. TSPC only has jurisdiction to investigate educators licensed by this agency. If the report fails to allege misconduct by a TSPC licensed individual, this agency does not have the legal authority to pursue any action.
- b. DHS cross-reports are typically sent out to law enforcement and ODE, in addition to TSPC. So any reports which fall outside TSPC jurisdiction can be picked up by either or both of the other agencies.
3. DHS cross-reports which allege misconduct by a TSPC licensed or registered individual are then forwarded to the Director of Professional Practices for review. At this step, the director determines the most appropriate next steps for the DHS report based upon the information provided in the DHS report.
4. In many instances, the Director of Professional Practices will assign a TSPC investigator to contact the school and/or district to gather local-level knowledge and information of the allegations included within the DHS report. One might think of this step as a 'preliminary inquiry' into the DHS report.
 - a. A good number of DHS reports are processed in this manner. It is common for TSPC to learn from the school district that the allegations have either previously been addressed by the employing district, or were found to be untrue allegations through steps taken by the school district. When appropriate to do so, TSPC may terminate our inquiry into the DHS report at that time.
5. In instances where the DHS cross-report allege misconduct by a TSPC licensed individual, and the TSPC preliminary inquiry demonstrates a full TSPC investigation is warranted with good cause, TSPC will open a full investigation.

Thank you for your time and consideration of this letter. I hope that this information has proven beneficial in addressing the questions of the Subcommittee. If you have any additional questions or concerns regarding the content of this letter, please feel free to contact either Dr. Rosilez or myself at your earliest convenience.

Sincerely,



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