A BILL FOR AN ACT

Relating to investigation timelines for the Teacher Standards and Practices Commission; creating new provisions; amending ORS 342.176; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 342.176 is amended to read:

342.176. (1)(a) A person may file a complaint with the Teacher Standards and Practices Commission regarding a commission licensee. If a complaint concerns an allegation of sexual conduct that may have been committed by a commission licensee, the complaint process provided by this section does not apply and the commission shall investigate the complaint as provided by ORS 339.390.

(b) Prior to beginning an investigation based on a complaint filed under paragraph (a) of this subsection, the commission may require verification that attempts were made to resolve the complaint through the complaint process of the school district that employs the person against whom the complaint was filed. Verification that attempts were made to resolve the complaint through the complaint process of the school district may not exceed five calendar days, and the finding of the verification must be documented and reported to the school district in writing no later than seven calendar days following the date the complaint was filed with the commission.

(c) [After receiving] Within five calendar days following receipt of sufficient verification as provided by paragraph (b) of this subsection, the commission shall [promptly] undertake an investigation upon receipt of a complaint or information that may constitute grounds for:

(A) Refusal to issue a license or registration, as provided under ORS 342.143;

(B) Suspension or revocation of a license or registration, discipline of a commission licensee, or suspension or revocation of the right to apply for a license or registration, as provided under ORS 342.175; or

(C) Discipline for failure to provide appropriate notice prior to resignation, as provided under ORS 342.553.

(d) The commission must complete an investigation based on a complaint within 60 calendar days following the date the complaint was filed with the commission.

(2) The commission [may] shall promptly appoint an investigator and shall furnish the investigator with appropriate professional and other special assistance reasonably required to conduct the investigation.
The investigator is empowered to issue subpoenas to require the attendance of witnesses or the production of documents over the signature of the executive director of the Teacher Standards and Practices Commission, subpoena witnesses over the signature of the executive director, swear witnesses and compel obedience in the same manner as provided under ORS 183.440 (2).

(3) **Within five calendar days** following completion of the investigation, the executive director or the executive director’s designee shall report in writing any findings and recommendations to:

(a) The commission, meeting in executive session, at its next regular meeting following completion of the investigation; and

(b) The person against whom the charge is made, following consideration by the commission.

(4)(a) Except as provided in paragraph (b) of this subsection, the documents and materials used in the investigation undertaken as provided by this section and the report related to the investigation are confidential and not subject to public inspection unless the commission makes a final determination to:

(A) Refuse to issue a license or registration, as provided under ORS 342.143;  
(B) Suspend or revoke a license or registration, discipline a commission licensee, or suspend or revoke the right to apply for a license or registration, as provided under ORS 342.175; or

(C) Discipline a person for failure to provide appropriate notice prior to resignation, as provided under ORS 342.553.

(b) Records made available to the commission under ORS 419B.035 (1)(h) shall be kept confidential.

(5) If the commission finds from the report that there is sufficient cause to justify holding a hearing under ORS 342.177, the commission shall notify in writing:

(a) The person charged, enclosing a statement of the charges and a notice of opportunity for hearing;

(b) The complainant; and

(c) The employing district or public charter school, if any.

(6) If the commission finds from the report that there is not sufficient cause to justify holding a hearing under ORS 342.177, the commission shall notify in writing:

(a) The person charged;

(b) The complainant; and

(c) The employing district or public charter school, if any.

(7) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions.

**SECTION 2.** The amendments to ORS 342.176 by section 1 of this 2023 Act apply to complaints received on or after the effective date of this 2023 Act.

**SECTION 3.** This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.