
ITEM: PROFESSIONAL PRACTICES COMMITTEE CHAIR REPORT

ACTION: **INFORMATION ITEM**

INFORMATION: The Professional Practices Committee last convened on November 14, 2018.

The Professional Practices Committee will convene next on a date To Be Determined.

Update on Senate Bill 155

Senate Bill 155 would place additional requirements upon TSPC's Professional Practices Unit for the investigation of complaints involving suspected abuse and/or suspected sexual conduct. The bill has been amended not less than twenty-one times since it was introduced at the outset of the 2019 Oregon Legislative Session in January. On June 10th, the Joint Ways and Means Committee on Education moved the A-Engrossed version of Senate Bill 155 to the full Ways and Means Committee with a "Do Pass" recommendation. If Senate Bill 155 is passed by the full Ways and Means Committee, the bill still needs to be passed by both chambers of the Oregon Legislature, and must be signed into law by the Governor.

Impacts of Senate Bill 155 upon TSPC, school districts, and other state agencies include, but are not limited to the following:

1. TSPC retains responsibility for the investigation of TSPC licensed educators. In cases of suspected Abuse and/or Sexual Misconduct, TSPC would be required to complete such investigations within 90 days of the time the original complaint was received by the agency.
2. Requires that the Oregon Department of Human Services (DHS) complete an investigation into any third-party abuse complaints occurring within a school when law enforcement determines the complaint is non-criminal and will not be investigated by a police entity. If the complaint constitutes a criminal act, law enforcement will investigate the complaint.
3. Establishes an Investigations Unit within the Oregon Department of Education (ODE) purposed with the investigation of complaints of Abuse and/or Sexual Misconduct alleged against school personnel who are not licensed through TSPC.

4. TSPC and ODE may obtain and leverage, as deemed appropriate, completed DHS and law enforcement investigations for the purposes of Commission or department action.
5. Requires school districts to place an employee on paid administrative leave when reasonable belief exists that the educator committed acts of Abuse and/or Sexual Misconduct. Establishes conditions for when that employee may be reinstated.
6. School districts may complete their own investigations of alleged Abuse and/or Sexual Misconduct. Or school districts may defer all investigation activities to law enforcement, or to any appropriate state agency previously mentioned in this document.
7. School Districts may take employment actions regarding employees alleged to have committed acts of Abuse and/or Sexual Misconduct at any time the employing district believes it has the necessary evidence and cause to do so. This employment action may occur prior to the completion of a law enforcement, DHS, ODE, or TSPC investigation. However, the employing school district cannot deny the accused educator any employment Due Process Rights provided within the employment contract.

TSPC has requested of legislators additional resources in order to successfully fulfill the requirements of Senate Bill 155. Specifically, TSPC has made it known that additional investigative staff, above current service levels, will be necessary. The A-Engrossed version of Senate Bill 155 provides TSPC with the flexibility to raise the necessary funding to support the employment of up to three (3) additional investigative staff.

If Senate Bill 155 is eventually passed and signed into law, provisions affecting TSPC would take effect on January 1, 2020.

Topics for Future Professional Practices Committee Meetings:

- a. Guidelines for appropriate conduct with a student
- b. Review Definition of "Gross Neglect of Duty"
- c. Review Definition of "Gross Unfitness"
- d. Review future role of *Model Code of Educator Ethics* (Currently Division 20)
- e. Review of Character Questions
- f. Review of Division 50 (Procedures for Sanctions)
- g. Discuss potential TSPC procedures for reported misconduct by non-licensed Instructional Assistants and Teacher Aides.
- h. When should a Suspension Begin? (Immediately; During the summer; Same time each year).
- i. Create "User's Guide to Rules" (focus on social media, etc. call out key issues).

- j. Review Division 19 (Investigations)

Topics Addressed or Resolved by the Committee:

- a. Definition of “Student” (continuing discussion)
- b. Guidelines for acceptable use of social media with students
- c. Guidelines for District and Patron complaint reports
- d. Review Online Complaint Form
- e. Review the Ethical Educator Brochure
- f. Review potential TSPC action for violations by non-licensed coaches and school volunteers.
- g. Review ‘60 Day Resignation’ rule language and procedures.

The Professional Practices Committee has the following requests of Commissioners:

1. The Committee requests the Commission’s guidance on how to prioritize work on issues listed above under Topics for Future Professional Practices Meetings.
- 2 The committee requests the Commission’s guidance on future areas of focus for the work of this Professional Practices Committee.

Next Meeting of Professional Practices Committee: TBD

Attachments:

None