

Oregon Teacher Standards and Practices Commission

When to Report Misconduct and What Happens After you Do

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Guardians of Professional Standards

TSPC is the Oregon agency responsible for preparing, licensing and regulating Oregon Educators

The Professional Practices Unit's main goal:

- **Protect Students**
- **Maintain High Standards of Professional Conduct**



What Constitutes Misconduct

- **Gross Neglect of Duty**
OAR 584-020-0040(4)

Any serious and material inattention to or breach of professional responsibilities.

Examples:

- Assault, student or staff
- Sex abuse/Sexual Conduct
- Under the influence, on duty or school functions
- Falsification of records related to employment, licensure or professional duties
- Substantial misuse of District time, equipment, facilities
- Failure of chief administrator to report misconduct



What Constitutes Misconduct

- Gross Unfitness
OAR 584-020-0040(5)
- *Any conduct which renders an educator unqualified to perform his or her professional responsibilities.*

**May include conduct occurring outside of school hours and off school premises.*

Examples:

a) Revocation, suspension or denial of a license by another state for reasons and through procedures that are the same as, or substantially equivalent to, those permitting similar action in Oregon;

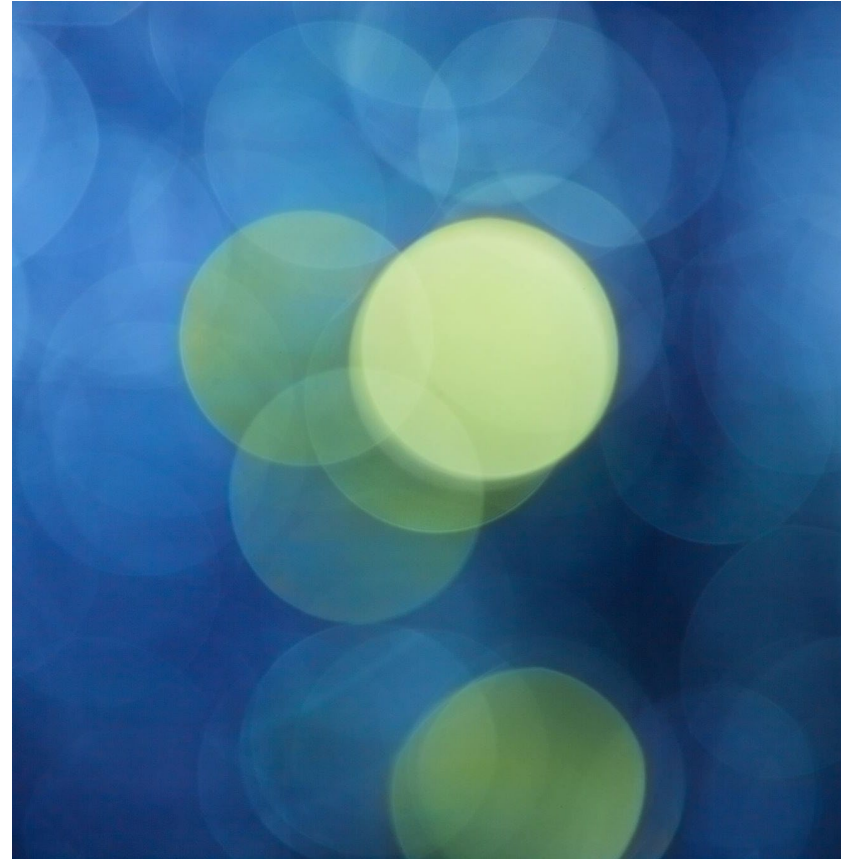
(b) Conviction of Violating Laws;

- Misconduct must be related to ability to be an effective educator
- In order for an educator's conduct to constitute gross unfitness, the courts have stated TSPC would need to be able to prove a persistent character trait that essentially disqualifies the licensee from being able to perform their duties as an educator.



Updated Definition of Student


- **(13)**“Student” means any person:
- **(a)**Who is:
 - **(A)** In any grade from prekindergarten through grade 12; **or**
 - **(B)** Twenty-one years of age or younger and receiving educational or related services from an education provider that is not a post-secondary institution of education; **or**
- **(b)**Who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within *1-year prior to the sexual conduct.
- *SB 4160 (2024) changed this to **1-year effective July 1, 2024**. (not retroactive)





When to Take Action: Real World Examples

- Report of teacher communicating with a student excessively about non-school related subjects. (not sexual in nature) *Public Reprimand, Probation and Boundaries Training*
- Report of teacher removed from the classroom and sent for a reasonable suspicion drug test. Results positive for cocaine. *1- year suspension, probation and comply with treatment recommendations.*
- Report of teacher posting derogatory comments on social media regarding their students. *Public Reprimand*
- Internal referral of educator working without a valid license for over a year. *Public Reprimand*



When to Take Action: Substantiated Sexual Conduct Examples

-
- Received report alleging misconduct regarding an educator who allegedly allowed a family, including minors, to live on their property in a dilapidated trailer with unsafe living conditions in the back of their property. There were also allegations the educator had personally taken a trip with the families' minor-aged child to Disneyland alone earlier in the year. The complainant felt due to educator's personal connection and behavior with the minor, the educator was sexually "grooming" the student. **Revocation**
 - Report received alleging teacher developed mentor relationship with student. Student would meet alone in educator's classroom. Student shared personal information with teacher to include sex, dating, and familia issues. Educator would frequently give frontal hugs and kisses on the cheek. Educator ultimately charged with harassment. **Revocation**



Oregon

Kate Brown, Governor

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School District Misconduct Reporting Guide

The purpose of the Teacher Standards and Practices Commission is to authorize the practice of professional educators through licensure and registration of educators and certification of school nurses. Licensure provides a safeguard to the public to indicate the educator has met a certain standard of criminal and other conduct background checks and an established level of professional educator preparation.

The Commission is only authorized to take action against an educator's license or registration or a school nurse's certificate. *The Commission is not empowered to change an educator's employment status or to force the district to take certain employment-related disciplinary action against a licensed or registered educator or certified school nurse.*

Oregon law requires that chief administrators of school districts, charter schools, and education service districts report certain educator misconduct to the Commission in a timely manner:

OAR 584-020-0041 states (*emphasis added*):

(2) A chief administrator will report educators described in this subsection regardless if the educator is employed in the chief administrator's district. Subject educators include:

- (a) Any educator possessing a TSPC-issued license or certification;
- (b) Any educator holding a charter school registration;

(c) Any pre-service candidate enrolled in a public or private school for purposes of program completion pursuant to any program described in division 17 of these administrative rules.

(3) A chief administrator will report to the Executive Director within thirty (30) days the name of any person described in subsection (2) above, when the chief administrator reasonably believes the person may have committed any act which may constitute any of the designated acts of gross neglect of duty under OAR 584-020-0040 (4), subsections (a) to (s) or any of the designated acts of gross unfitness listed under OAR 584-020-0040 (5), subsections (a) to (e).

Findings of gross neglect of duty REQUIRES: "Serious and material inattention to or breach of professional responsibilities."

Findings of gross unfitness REQUIRES: "Conduct which renders an educator unqualified to perform his or her professional responsibilities."

Reporting Form Information:

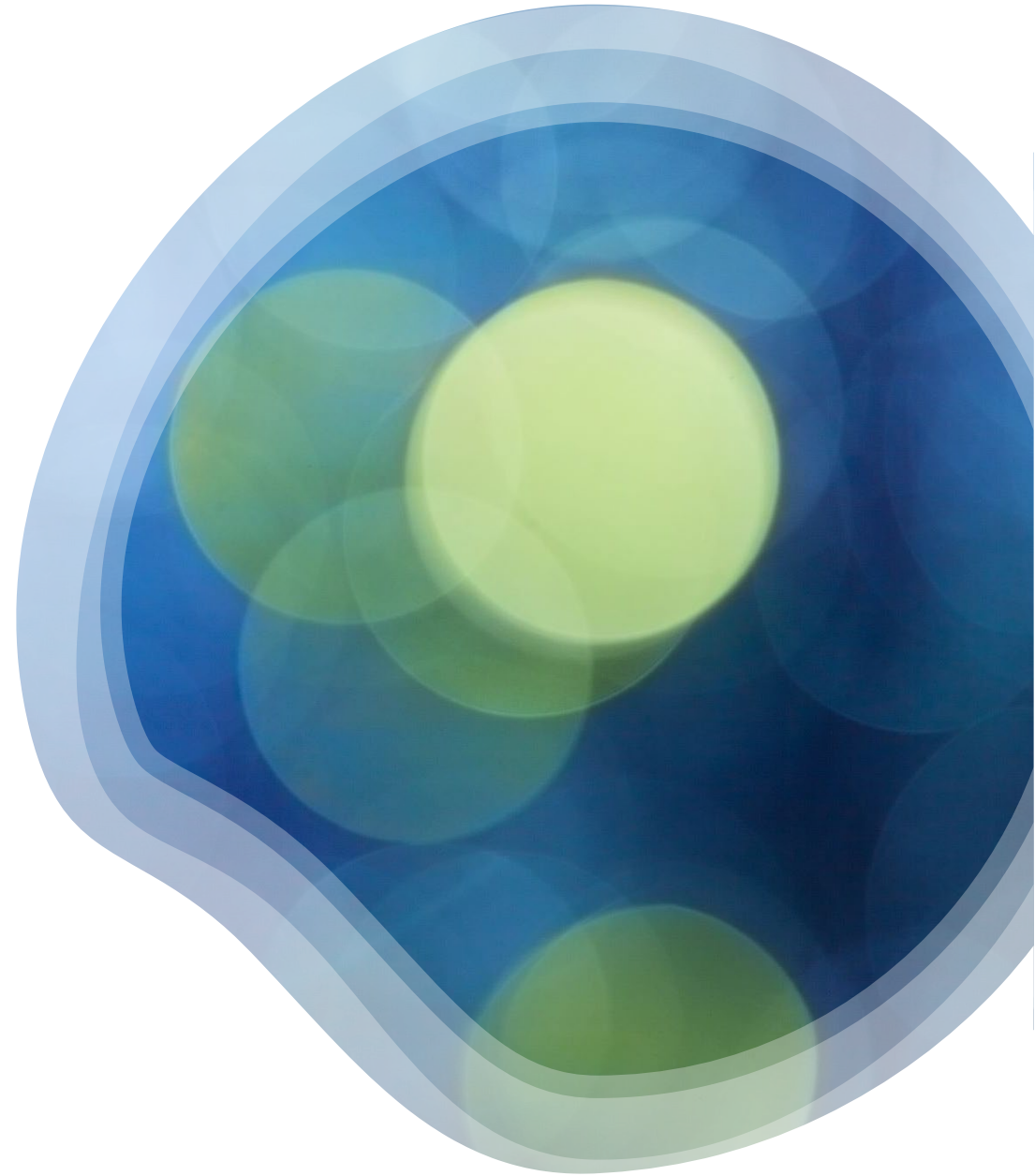
- Please use the TSPC School District Misconduct Report Form and complete it as fully as possible.
- The reporting district may attach additional narrative and support materials, if necessary.
- The TSPC School District Misconduct Report Form replaces the former "Superintendent Report Letter." Such letters can still be attached as additional information, if necessary.
- The assigned investigator may contact the district for additional information and materials as needed.

Please feel free to contact your assigned regional investigator or TSPC Professional Practices contact to review and discuss any questions you have about reporting misconduct, reporting criteria, or related questions.

School District Reporting Guide

TSPC Reporting Obligations

- OAR 584-020-0041- (In part) A chief administrator will report to the Executive Director **within thirty (30) days** the name of any person described in subsection (2) above, **when the chief administrator reasonably believes** the person may have committed any act which may constitute any of the following acts of **gross neglect of duty** under OAR 584-020-0040(4), subsections (a) to (s) or any of the designated acts of **gross unfitness** listed under OAR 584-020-0040(5), subsection (a) to (e).
- This rule includes licensed educators **who may not be employed in your district.**
- Not Required to complete the investigation before reporting.



When to Report (continued)

- **If in doubt, contact your regional investigator** or other TSPC Professional Practices representative.
- The Commission can only take action on the educator's license. TSPC cannot resolve employment issues or remove an educator from a classroom / school.
- DUI's and other substance related issues (off duty)- The educator is required to report these issues to TSPC upon renewal of license. If no nexus to teaching exists, this is not generally reportable.
- Remember to "Show your work" when deciding not to report document in personnel or working file.



How To Report Misconduct



Districts are encouraged to review the School District Misconduct Reporting Guide.



To provide a more standardized and efficient system of reporting, Districts are required to submit reports of misconduct on the [School District Misconduct Report](#)



When completing the School District Misconduct Report Form, please make sure to provide a brief description of the misconduct that occurred and not the OAR the misconduct pertains to.



Please submit your completed form and attachments in PDF format by email to complaints.tspc@oregon.gov.

Email submissions, while not encrypted, are confidential. Only select and appropriate TSPC staff have access to complaints emailed to complaints.tspc@Oregon.gov.

TSPC Case Life Cycle

1

- TSPC Receives Report, Complaint or Information
- Public Complaints & School District Reports

2

- TSPC Conducts Investigation
- Gathering Facts from Evidence and Witness Interviews
- Prepares a Report for Director and the Commission

3

- TSPC Director reviews completed investigations / Recommends action
- TSPC Commission determines if a licensure sanction will be imposed

4

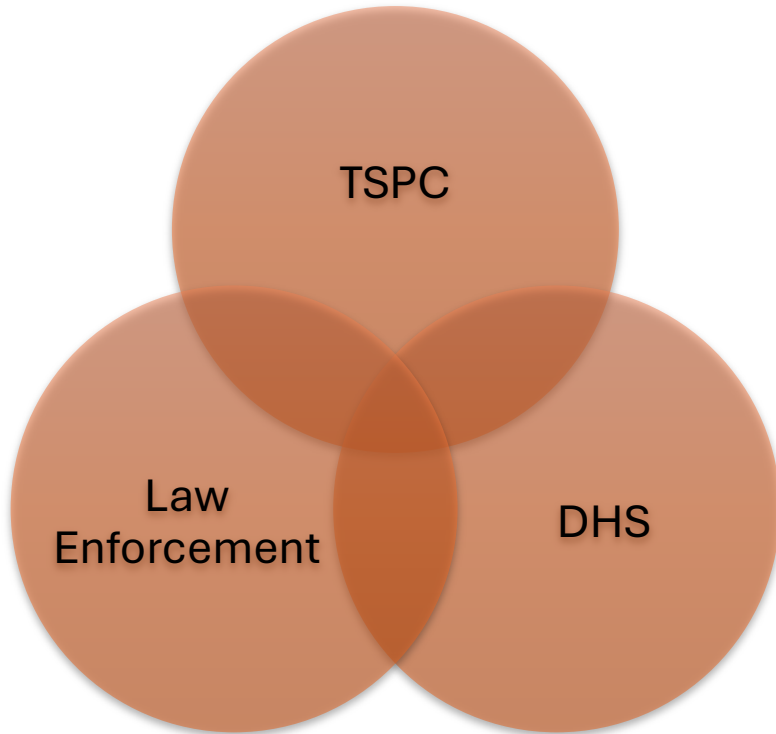
- Educators sanctioned by the Commission have due process rights
- Investigations dismissed by Commission are confidential by state law



Possible Outcomes

- ☐ Letter of Informal Reprimand & Monitoring – Confidential and Non-disciplinary
- ☐ Probation – Can stand alone or be added to any of the below sanctions.
- ☐ Public Reprimand
- ☐ Suspension – No more than 1 year
- ☐ Revocation – at least 1 year
- ☐ Mandatory Revocation - Permanent

Different Lenses



- Each investigating agency has their own statutes and regulations.
- The definitions of sexual abuse and sexual conduct are different.
- Sexual Conduct can include “grooming” type behaviors
 - This can lead to different outcomes
- Burden of Proof Standards
 - TSPC – More likely than not/preponderance of the evidence (51%)
- Case Law – not typically an issue with regard to Sexual Conduct but impacts many other TSPC cases.

Referrals from DHS

DHS Report Received

DHS reports do not alleviate the district's obligation to report misconduct to TSPC.

Screened for Jurisdiction

Are they a Commission Licensee/ student teacher or licensed within last five years?

Determine if Should be Assigned

If allegations as presented were true, does it rise to level of license violation

Screen in Referral Stage

Investigator will contact, District, OTIS, LEA for additional information.

Determine if Warrants Full Investigation

Director will determine if we dismiss the DHS Referral or move forward with further Investigation



When Does the District get notified

- If the district is the reporting party or the current employer, TSPC will send notifications at the following decision points;
 - First Commission meeting decision
 - If the case was dismissed/NFA by administrative process
 - If charged, when the Notice of Opportunity has been Issued (educator has 21/60 days to respond)
 - When a final order has been adopted by the Commission

TSPC cannot disclose details during the contested case process. We will be able to share general information about the status.

School District Portal Flags

Through the District's TSPC portal you can verify whether there is a pending or founded case of **Sexual Conduct** on an educator.

Green = no founded reports and nothing pending (sexual conduct only)

Yellow = pending investigation of Sexual Conduct allegation

Red = Substantiated allegations of Sexual Conduct (not changed until final order adopted)



Questions?

