



Oregon

Kate Brown, Governor

TEACHER STANDARDS AND PRACTICES COMMISSION

250 Division Street N.E. Salem, OR 97301

Phone: (503) 378.3586

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www.oregon.gov/TSPC

Public Complaint Guide

The purpose of the Teacher Standards and Practices Commission is to authorize the practice of professional educators through the licensure or registration of educators, and certification of school nurses. Licensure provides a safeguard to the public, indicating 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 employing school district to take certain employment-related disciplinary action against a licensed or registered educator or certified school nurse.***

The Commission accepts reports of misconduct from school districts. Oregon Administrative Rule (OAR 584-020-0041) requires chief administrators from school districts, charter schools and education service districts to report serious misconduct to the Commission. ***TSPC encourages you to check with the school district regarding whether they have already reported similar misconduct to the TSPC Commission prior to submitting a public complaint.***

The Commission accepts complaints from patrons (members of the public). As of January 1, 2018, Oregon Revised Statute 342.176(1)(b) grants the Commission the authority to require patrons filing a complaint with TSPC to submit documentation which verifies that the patron has previously made attempts to resolve the complaint through the complaint process of the school district that employs the educator against whom the complaint is filed. The TSPC agency may contact patrons who submit complaints without the required verification. The Commission has the authority to delay any TSPC agency investigation until such time that sufficient verification has been provided by the patron.

The following criteria have been established for use in all considerations of patron complaints against TSPC licensed educators, in accordance with authorities granted to TSPC through the provisions of ORS 342.176(1)(b):

1. TSPC may prioritize the investigation of patron complaints which explicitly allege a TSPC licensed educator is directly responsible for the physical harming of a student(s). For the purposes of this criteria, "physical harm" includes, but is not limited to, physical contact with a student which results in injury to the student's body, and/or any physical contact with a student which can be reasonably characterized as sexual in nature.

Note – TSPC is not a primary report agency for instances of physical or sexual abuse of a student. Mandatory reporters, or patrons with direct knowledge of the physical or sexual abuse of a student, are to report such activity to law enforcement, or to the [Oregon Department of Human Services \(DHS\)](#) prior to filing a complaint with TSPC.

2. Patron complaints against TSPC licensed educators which are determined to be "matters of employment" shall be eligible for return to the patron under the provisions of ORS 342.176(1)(b). Matters of employment are issues which can best be resolved through the actions of the employing school district. Such issues may include, but are not limited to, perceived wronging of a student through a) assignment of the student to a specific educator or, b) student placement in a specific course or classroom, or c) student participation in extracurricular or sport activities, and d) educator or patron dissatisfaction with an educator employment contract, educator school assignment, educator classroom assignment, or other duties assigned to the educator, and



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- e) educator-to-educator interactions which are non-criminal in nature and do not otherwise violate professional standards.
3. Patron complaints against TSPC licensed educators which fail to allege a violation of existing TSPC rules, as defined in OAR 584-020-0000, may be returned to the patron under the provisions of ORS 342.176(l)(b).
 4. Patron complaints against TSPC licensed educators which allege educator misconduct having no apparent nexus to the profession of education may be returned to the patron under the provisions of ORS 342.176(l)(b).
 5. Anonymous patron complaints which are determined by the TSPC Executive Director or appointee to meet criteria numbers 2,3, or 4 of this section shall not result in the execution of a TSPC investigation. Anonymous complaints which do not result in the execution of a TSPC investigation shall be recorded (to whatever extent possible) for the purposes of reporting to the TSPC Commission and reporting to the Oregon State Legislature prior to the complaint form and all submitted documentation being electronically scanned and stored for records purposes.

Commission discipline authority is limited to the following areas:

Findings of gross neglect of duty requires: “**Serious** and **material** inattention to or breach of professional responsibilities.” If the conduct is not serious and material, it does not require reporting.

Findings of gross unfitness requires: “Conduct which renders an educator **unqualified** to perform his or her professional responsibilities.” If the conduct does not reach this standard, it does not require reporting.

The Commission is a **licensing** board and does not control employment actions made by school district employers. You may be able to best resolve your complaint by contacting the school principal, district superintendent, or local school board.

IMPORTANT INFORMATION – PLEASE REVIEW

- Complaints are only accepted in writing on the official Public Complaint form, and each section of the complaint form should be completed. Please limit your initial complaint to not more than three additional pages (includes the verification required by ORS342.176 (l)(b)) following completion of the complaint form. If you have other evidence you would like to submit, indicate this on the additional page. The investigator may contact you regarding this additional information.
- Patron complaints received by TSPC which fail to comply with the requirements of ORS342.176(l)(b) may be returned to the patron via the patron’s mailing address as provided on the submitted complaint form. If this occurs, the returned complaint will be accompanied by a letter of explanation from TSPC encouraging the patron to resubmit the complaint at a time when verification that the complaint previously completed a local-level (school district) complaint resolution process can also be provided to TSPC by the patron. In order to meet the requirements of ORS342.176(l)(b), patrons should provide written correspondence from the school district which documents the completion of a local-level (school district) complaint resolution process.
- First-hand information is the best evidence. Second-hand information is very difficult to verify or prove. Whenever possible, provide first-hand accounts, with names and contact information of witnesses.



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- The Commission may rely on the person filing a complaint to testify in any administrative hearings proceeding, as required.
- Anonymous complaints truly obstruct the investigative and disciplinary process. Witnesses and the ability to verify misconduct are important factors when proving any educator misconduct. Anonymous complaints limit the investigator's ability to research the actual misconduct since TSPC cannot speak with the complainant or the potential victim.
- Investigations are confidential by law, but the subject of a complaint may be notified of the allegation(s), the complaining party's identity, and may be provided copies of the complaint and any attachments as part of the educator's due process rights.
- Please use the TSPC [Public Complaint Form](#) and complete it as fully as possible.