Secretary of State Audit Report

Jeanne P. Atkins, Secretary of State

Mary Wenger, Interim Director, Audits Division

Teacher Standards and Practices Commission: Better Oversight and a More Productive Work Environment Could Improve Service to Educators

Executive Summary

Commissioners, management and staff at the Teacher Standards and Practices Commission need to work together to strengthen the agency's work environment, increase accountability, and boost performance.

The agency has made recent improvements in service to educators. But it still faces substantial backlogs in issuing licenses, investigating complaints against educators, and responding promptly to educator questions.

Our audit responds to House Bill 3339, which the Legislature passed in 2015. It required a Secretary of State audit to examine the Teacher Standards and Practices Commission and recommend improvements.

The Agency and Commission Play a Major Role in K-12 Education

The agency licenses about 19,000 educators a year.

The agency, with 26 employees currently, licenses about 19,000 K-12 educators a year. It also evaluates education programs for teachers at Oregon colleges, and investigates hundreds of complaints against educators each year.

A 17-member commission, appointed by the Governor, oversees the agency. The commissioners, mainly teachers and school district administrators, hire and supervise the executive director.

The Commission sets important policies, including requirements for teacher licenses. It approves teacher education programs, and decides whether to sanction educators for misconduct.

Delays in Core Services are Substantial

For many years, the agency has had substantial delays in issuing licenses, completing investigations and responding to educator questions.

Applicants who filed for licenses in July 2015 faced a four-month wait. Investigation lengths averaged more than 14 months in 2015. Response times to emails from educators have improved, but still average more than a week.

The licensing and customer service delays can damage the agency's reputation, complicate school district hiring and make it harder on educators looking for jobs. In 2015, more than 1,400 applicants or their school districts paid $99 extra for "expedited" service to bypass licensing delays.

In investigations, delays and high caseloads can weaken evidence and increases the risk to of educator misconduct continuing. Investigative delays can also hurt educators' job prospects, frustrate complaint filers, and reduce investigative depth.

Cuts to management and staff during the recession contributed to the delays. In 2012, the agency cut six positions. Licensing staff had no direct manager for nearly two years and investigators faced high turnover and high caseloads.

Also contributing to delays: the agency's complicated, paper-based licensing system, and an inadequate agency website that does not provide answers to basic licensing questions.

The Agency and Commission Need a Sharper Focus on Performance

In 2015, the Oregon Legislature approved license fee increases – the first in 10 years. The increase will allow the agency to add four new positions and replace its outdated licensing system. Starting in early 2016, applicants should be able to file applications and pay online. The Commission also finished a three-year process of simplifying license requirements.

Some improvements are already apparent. Average call hold times fell to less than five minutes last summer, down from 30 minutes in 2014.

Investigators are testing a case triage system that could help reduce investigation lengths. The simpler license requirements and new licensing system should also help improve licensing speeds.

License Process Improvement Steps

- Set goals and track performance.
- Develop, review and update written policies and procedures.
- Review work processes for efficiency improvements.
- Regularly review issued licenses for quality and consistency.

However, we found that the agency still lacks clear expectations and accountability for its performance at all levels, from the Commission through staff.

Evaluations are sporadic, including the Commission's evaluation of the executive director. Performance tracking is limited. Management's focus on work process improvement is minimal. Tensions between management and staff have also been substantial, affecting agency performance.

The fee increase will provide for a more stable financial position and help improve staffing. These improvements should allow the agency to focus on

building a more productive workplace at all levels, one of its most significant tasks going forward.

Recommendations

Our specific recommendations for management and the Commission are included on pages 25 to 27 of this report. We made recommendations to improve licensing, investigations and customer service.

For management, we also made recommendations to improve the agency's work environment, such as improving communication, developing performance standards, and providing timely feedback on employee progress.

For the Commission, we made recommendations to improve oversight and accountability. Among them: developing goals for the executive director that include reducing the agency's backlogs, and conducting regular evaluations based on those goals.

Agency Response

The agency and Commission generally agreed with our recommendations and said they are already addressing some of them. The Commission will prioritize resolving backlogs in licensing and investigations, the response said, and implement changes to improve agency oversight, enhance transparency and increase effectiveness. The full response is at the end of the report.

Background

Small Agency, Large Impact

With 26 employees currently, the Teacher Standards and Practices Commission (agency) is small. But it plays a large role in Oregon's education oversight.

- It licenses about 19,000 K-12 teachers, administrators and other educators a year at public and charter schools in Oregon, running background checks and confirming qualifications.
- It evaluates education programs for teachers and other licensees at 18 Oregon colleges and universities, both public and private.
- It investigates the nearly 300 complaints a year filed against licensed educators by school district administrators or the public.

The agency, established in 1965, is governed by the nation's oldest educator standards board. It is one of 11 "independent" standards boards nationwide.

Commission Composition

- Eight teachers
- Four school administrators
- Two higher-education representatives
- One school board representative
- Two public representatives

A 17-member commission hires the executive director and oversees the agency's finances, though the Oregon Legislature has the final say on the agency's budget. The Governor appoints the commissioners, who can serve two three-year terms.

Among other duties, commissioners approve teacher education programs and set agency policies, meeting publicly about four times a year. In recent years, the Commission has helped simplify licensing and retool teacher training, both major efforts.

Commissioners also decide whether to sanction educators for misconduct. They consider potential sanctions in closed sessions, but vote publicly on final orders. Once finalized, Commission sanctions are posted on the agency's website.

The executive director prepares the Commission meeting agenda, recommends budgets and rules to the Commission, carries out Commission directives, and oversees agency finances and staff.

Great Recession Cuts Revenues, Staffing

The agency gets almost all its revenue through licensing fees, both initial licenses and renewals. Those revenues fell mid-recession, as education funding cuts curbed demand for teachers and enrollment in teacher education programs dipped. License applications declined 18% between fiscal year 2010 and 2012, dropping from about 27,800 to 22,700.

Agency spending first substantially exceeded net revenues in 2010. That same year, the Legislature pulled $346,000 from the agency's reserves as

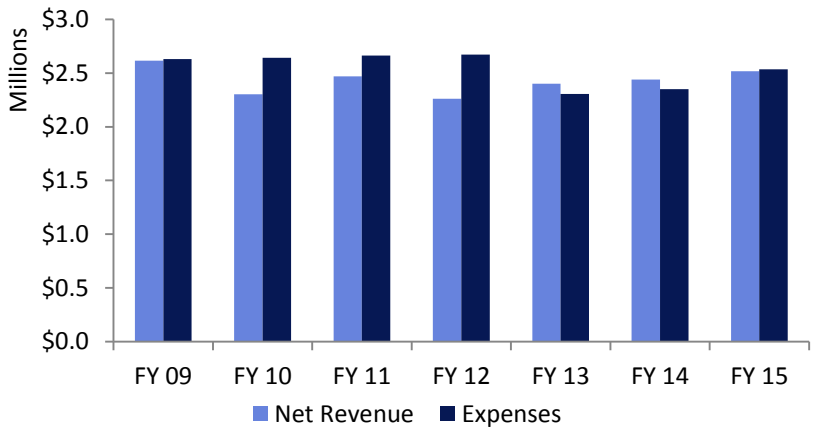
part of a statewide effort to strengthen the general fund. By 2012, spending had topped license revenues for three years running.

The agency's license fees were relatively low at the time – $100 to $120 for a three- to five-year license – and they had not been raised since 2006. Agency management and commissioners told us they did not pursue a fee increase earlier, in part because the agency retained a cash balance of $1 million or more even during the downturn.

In 2012, the agency cut six positions, and stopped filling vacancies until July 2013. Those reductions thinned a staff that was already well behind on licensing, investigations and response to educator emails and phone calls.

Since 2012, license applications have declined slightly, but revenues have nearly recovered to 2009 levels and agency spending is better aligned to revenues.

Figure 1: Agency Revenues and Expenses, fiscal years 2009 to 2015



Increased applications from out-of-state teachers since 2012 helped revenues bounce back, as did an increase in applicants paying $99 for "expedited" license processing.

2015 Legislature Approves Fee Increase, Requires Audit

In its 2015 session, the Legislature approved license fee increases and authorized the agency to hire four new employees.

As of January 1, 2016, basic license fees increased from $100 to $140 for renewals and in-state licenses. All applicants will also pay a $10 processing fee payable to the vendor developing a new licensing system.

License fee increases could boost agency revenues 23% in the 2015-17 biennium.

The higher fees are expected to bring in roughly $1.2 million more in revenues through June 2017, substantially strengthening agency finances.

The 2015 Legislature also passed House Bill 3339, requiring a Secretary of State audit to examine the Teacher Standards and Practices Commission and recommend improvements. This audit responds to the bill.

Audit Results

Recent assessments and audits by our office have focused on the agency's cash handling and its role in teacher preparation. This audit focuses on licensing, investigations, customer service, agency work environment, and Commission oversight.

The agency has made recent progress in most of these areas. However, it faces continuing backlogs in licensing, investigations and customer service.

Further improvements in work environment, accountability, and Commission oversight could help the agency better meet its mission to "establish, uphold and enforce professional standards of excellence."

The Agency's Licensure Processing Needs Attention

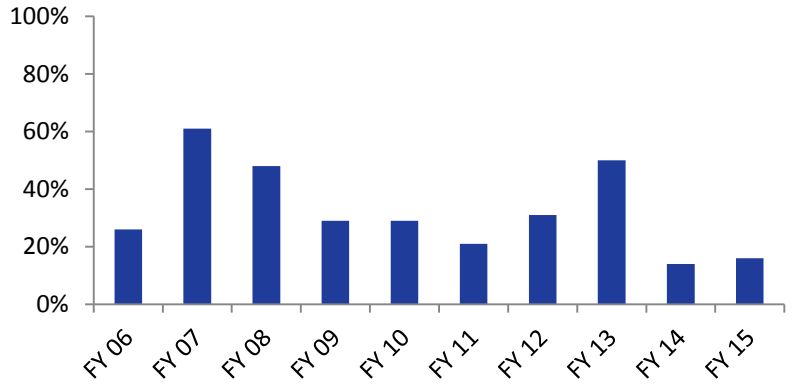
Processing and issuing educator licenses is crucial to the agency's mission. Yet the agency has struggled for years with long delays in issuing both new and renewal licenses.

Since 2009, the agency's goal has been to issue at least half of all license applications within 20 days. The agency has missed that goal every year except 2013.

A significant reduction in license applications, while holding licensing staff consistent, improved performance in fiscal years 2012 and 2013. Shifting license evaluators to other duties because of staff cuts contributed to decreased performance in subsequent years.

In fiscal years 2014 and 2015, the agency issued less than 20% of licenses in 20 days, the lowest rates in a decade.

Figure 2: Percent of License Applications Issued within 20 Days, by fiscal year



Note: FY 15 number estimated based on agency data.

These figures understate the agency's performance to some degree. The results include the processing time for incomplete applications – applications educators have submitted with missing information. Its

current license database cannot track incomplete applications separately from complete applications.

However, it is clear that processing delays are substantial. For example, the agency did not begin to process applications received on July 6, 2015, until November 1, 2015, a delay of over 16 weeks.

These licensing delays can negatively affect educators and school districts. Educators can miss job opportunities while waiting for licenses to be issued. School districts, facing a current teacher shortage, reported difficulties filling open positions and keeping appropriately licensed educators in classrooms. Untimely licensure also frustrates educators and school districts, damaging the agency's reputation.

The agency has taken some steps to address the effects of licensing delays. Teachers can now renew their licenses six months in advance of their expiration date, increased from 90 days previously. Staff sends an automatic reminder to educators six months before their licenses expire, including requirements for renewing their specific license.

Cumbersome process, reassigned staff and frequent rule changes delay licensing

The agency's outdated, cumbersome licensing process has substantially contributed to licensing delays.

The electronic license system used by license evaluators to process license applications is slow, frequently "loses" applications and regularly requires manual workarounds to function.

Documents received by email are printed out, entered manually, scanned, and then reviewed by another individual for image quality

The current process is also paper-based, with no ability to accept online license applications and payments. Staff – and sometimes managers – spend significant time opening and sorting mail each day. Staff have to handle checks, manually enter application data, and then scan in documents before they can be processed by license evaluators. Similarly, emailed documents must be printed out, manually entered and scanned. A different staff member reviews scans for image quality.

Due to staff turnover, staff cuts and revenue declines, management reassigned two of six license evaluators to other duties full-time, likely increasing the license backlog. The remaining license evaluators often fill in when customer service staff are absent.

Staff told us frequent Commission rule changes also cause licensing delays. Rules sometimes change while applications are pending, requiring more documents from applicants and increasing processing times.

Recently, management initiated meetings with license staff to discuss license rule changes before and after Commission approval. These meetings have helped staff both contribute to new rules and adjust to them.

Redesigned license requirements and new online system could help

The agency has long dealt with complicated requirements that differ depending on when an educator received their initial license. Evaluators must shift between these different requirements, likely increasing licensing delays. Applicants can follow the wrong set of requirements for their license and then send incomplete or incorrect documentation.

The Commission recently redesigned license requirements, making them more clear and consistent for applicants and staff. Over time, this should help improve license processing.

The agency's licensing system is also scheduled for an upgrade.

System Implementation

- **Phase 1**-Online application and payments, data migration and an improved user interface for license evaluators.
- **Phase 2**- Improved license evaluation workflow. Allows districts, schools and institutions to submit data to the agency.
- **Phase 3**- Connection to law enforcement for background checks. Improved performance reporting.

For years, the agency tried to address their licensing system issues in-house, without success. Over the last three years, the agency has worked with an outside contractor on a new licensing system. The system will be implemented in phases, the first scheduled for release in January 2016.

As designed, the new licensing system has the potential to accelerate license processing. It allows for online application and payment, which should reduce time spent processing mail and entering application data.

The new licensing system should also reduce incomplete applications. It requires educators to fully complete forms and make payments before submitting their applications. It will also replace the clumsy interface used by evaluators, and could help them increase processing speed.

In later phases, the new licensing system should help managers better allocate workload among evaluators and improve performance reporting. School districts and universities should be able to electronically submit transcripts and other documents. These features could further reduce licensing delays.

New system faces short-term challenges

The new system may reduce short-term productivity. Technical issues often come up when systems are implemented and it can take time for staff to transition.

We also identified risks that could hinder successful system implementation.

Given the agency's backlogs, thousands of applications filed before the new system goes on-line will have to be processed in the old system. The agency also needs to develop procedures for storing documents with confidential information, such as older transcripts that include Social Security numbers.

If the system does not work, the agency would have to ask licensees to resubmit using paper applications. This could create significant logistical problems.

The agency's contractor has pushed back the system's scheduled start date several times, from October 30, 2015, to January 19, 2016. Additional delays could push productivity problems related to system implementation into the summer, the agency's busiest time of the year.

The agency needs to better focus on process improvement

A renewed focus on productivity and process improvement could help the agency fully realize the new system's benefits.

Setting production goals and tracking performance is essential to agency success. The current licensing system used by the agency does not accurately track licensing production, making management hesitant to track and hold staff accountable for production goals.

If successfully implemented, the new system should allow management to better track and supervise licensing staff performance through improved reporting capabilities. Tracking productivity could also help management plan for staffing needs going forward.

Process Improvement Steps

- Set goals and track performance.
- Develop, review and update written policies and procedures.
- Review work processes for efficiency improvements.
- Regularly review issued licenses for quality and consistency.

The agency lacks up-to-date written policies and procedures for licensing – staff is expected to use the dense Oregon Administrative Rules as their primary reference. Management said the agency's license director position was vacant from July 2012 to May 2014 because of staffing cuts, making it harder to focus on process details, such as establishing performance measures and developing up-to-date procedure manuals.

The new system gives the agency an opportunity to establish simpler and clearer written policies and procedures, and to develop a process for reviewing and updating them.

Other process-related issues need to be addressed.

Currently, management does not know how evaluators process license applications, making them unable to effectively oversee performance or review the process for potential improvements. Also, management does not regularly review issued licenses, an important internal control to ensure that staff process licenses consistently and correctly.

More focus on productivity and process improvement, coupled with the online system, could help the agency issue timely licenses.

Paying Extra for Timely Licensure Frustrates School Districts and Teachers

School districts and teachers can pay a $99 "expedited service fee" for the agency to process a license in two days. Oregon law restricts expedited service requests to "urgent situations," or for use by spouses and domestic partners of military personnel.

However, it appears the agency's months-long licensing delays prompt some districts and teachers to file expedited service requests on more

routine license applications. In these cases, they pay $99 extra for one of the agency's fundamental goals: "timely, high quality service."

Expedite requests are increasing

School districts and teachers are increasingly relying on expedited service. In fiscal year 2015, the agency collected $143,000 in expedited fees, a 60% increase from 2014.

At the $99 rate, $143,000 translates to more than 1,400 applicants paying for expedited service, about 8% of all applications approved in 2015.

Who is using this service and why is not clear, however. The agency does not track requests received or honored. Though required by administrative rule, the agency also has not required an explanation of need for all expedited service requests.

Oregon laws and regulations also do not define what situations are considered "urgent."

Management says expedited requests are intended for truly urgent situations – when districts need to quickly address unexpected vacancies, for example, and for teachers who need to start before the school year begins.

They also told us some requests for expedited service could be due to teachers waiting until the last minute to apply.

However, it appears the agency's license backlog may also be driving the increase in requests.

Amid licensing delays, school districts and teachers may resort to the expedited service fearing the agency will not process licenses in time to get teachers into the classroom.

Oregon law prohibits teaching without a license, and districts face sanctions if they employ unlicensed teachers.

Officials at one large district told us they file expedited service requests when the agency's website indicates license processing delays may extend beyond the start of the school year.

The fee frustrates some customers who pay it. Responses to the agency's customer survey show some teachers were upset with paying the fee after waiting several months for the agency to process their licenses.

Officials from two large school districts expressed concerns about relying on expedited service for timely license processing.

More attention to expedited service requests would help preserve them for emergencies

A license evaluator told us requests for expedited services often come from out-of-state applicants and current Oregon teachers seeking endorsements to teach new subjects.

Other applicants are less likely to need expedited service. The agency provides 10-day processing for new Oregon graduates at no extra cost. Current educators seeking renewals have a 120-day grace period to continue teaching after their license expires.

Cutting the overall license backlog would reduce the need for expedited service.

In the meantime, the agency should track requests for expedited services. The Commission should discuss appropriate procedures for processing applications needing expedited services because of agency delays – not because the applicant failed to file completely or on time.

Lower Caseloads and Better Case Management Could Improve Investigations

The agency receives about 300 complaints a year against Oregon's 60,000 licensed educators and investigates all of them. Allegations cover a wide range of conduct, from potential crimes to teacher behavior in the classroom.

Sources of Complaints

- **School Districts**
- "**Patrons**," including the public and anonymous filers.
- **Internal referrals**, when educators check "yes" on a license application character question or a background check or news stories reveal an arrest or conviction.

"Internal" complaints come via referrals from within the agency, when an arrest shows up on a criminal background check, for example. Most complaints come from school districts and "patrons," including parents and other members of the public.

Currently, four agency investigators investigate complaints. Two have long experience with the agency. The other two have significant investigative experience in law enforcement or the military.

Commission Sanctions

Not Public

- Informal Reproval

Public

- Public Reprimand
- Probation
- Suspension
- Revocation

After an investigation, the executive director recommends whether the Commission should sanction the educator – a non-public "informal reproval" is the lightest penalty, a license revocation the strongest. Commissioners decide whether to follow the recommendation, and can request legal advice from a Department of Justice attorney who attends the Commission's discipline sessions.

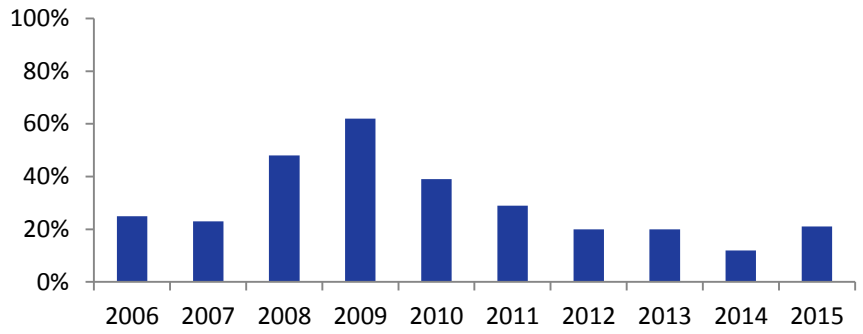
If the Commission imposes an initial sanction, educators can opt to appeal to an administrative law judge, and then to the Oregon Court of Appeals. If they do not appeal, the Commission issues a final order. If the sanction is public, the agency posts the details on its website.

Investigations are often lengthy

The agency's investigations often drag out, frustrating complaint filers and leaving educators under investigation waiting for resolution.

Each year, the agency reports how many of its complaints are fully resolved in six months, dating from when the complaint was submitted to a final order by the Commission. On average since 2011, the agency has resolved only a fifth of its cases in six months.

Figure 3: Percent of Completed Cases Resolved in Six Months



Part of that time span is out of investigators' control. The Commission typically meets only four times a year to review investigations. Also, if the Commission decides to file a charge after an initial investigation, the case can draw out for many more months or even years if educators appeal.

However, initial investigations themselves are often lengthy, averaging 14.5 months in 2015, according to agency data. Some other Oregon agencies, including the pharmacy and nursing boards, face statutory deadlines of four months to complete initial investigations.

We reviewed a selection of investigation case files in detail, including a mix of older and newer cases. We found long gaps of up to two years with no documented investigator action on cases. Two examples:

- An investigation of a teacher accused of altering 20 students' test scores took 21 months to complete, including a 19-month gap with no apparent investigative action.
- An investigation involving a teacher accused of inappropriate physical intervention with special education students took 31 months, including a 21-month gap with no apparent investigative action.

Caseload, turnover contribute to delayed investigations

High caseloads and turnover among investigators contributed to the delays, including the gaps in the two cases noted above. Investigators have typically handled about 80 cases at a given time, and the caseload has ranged up to 100 cases because of investigator turnover.

Investigation managers at other licensing agencies in Washington state and Oregon described the agency's caseload as excessive. The six investigators

at Washington's Office of Professional Practices, which investigates educators, carry 20 to 25 cases each.

The agency's investigator turnover has also been substantial, with at least one investigator leaving each year from 2008 to 2014. The Legislature did not approve permanent positions for two investigators. Their limited duration status hindered staff development, management said.

Helped by an added investigator, the agency pushed at the end of 2015 to complete investigations on its oldest cases. As of June 2015, the agency was still investigating 43 cases filed in 2013 or earlier. By November, that count was down to one. The number of cases resolved by the Commission in 2015 hit an all-time high.

The investigations backlog remains substantial, however, despite the reduction in older cases.

After the Commission's November 2015 meeting, the agency had about 260 cases pending investigation, a 65-case average for each of the four investigators. Pending cases were down from the end of the prior year, but higher than any other year since 1997.

Long investigations and high caseload could harm educators, weaken evidence, and reduce investigation depth

A Long Investigation Can:

- Damage educator job prospects.
- Frustrate complaint filers.
- Weaken evidence.
- Reduce investigation depth when caseloads are high.

Districts remove teachers from the classroom when they are facing severe accusations, such as abuse or sexual conduct, districts and other stakeholders told us. Long investigations still could pose a risk of educator misconduct continuing.

Unresolved complaints can also take a psychological toll on educators, even if allegations are not severe. Educators must also disclose ongoing investigations when they apply for jobs, which can damage their job prospects and hinder promotions.

Also important, long investigations can frustrate complainants concerned that the agency is not taking their allegations seriously. Drawn out investigations can weaken evidence, too. Memories fade, and testimony can become less reliable over time.

High caseloads can also reduce the depth of investigations. In most cases, investigators interview the educator and perhaps a district official, but not witnesses, alleged victims or complainants. Investigators often rely on earlier interviews from district investigations for this information.

Investigation staff told us they do interview witnesses in some cases, and many cases do not need more extensive work. But on cases that do, they also would like to have time for more thorough investigations.

Washington investigators, by contrast, routinely talk with witnesses, victims and administrators as well as the accused educator and parties the accused identifies.

The Oregon Board of Nursing's investigators commonly interview witnesses and complainants, the board's investigations manager said. They try not to rely on investigations by employers, which can be biased and differ greatly in quality.

Investigators in Washington and at the nursing board have substantially lower caseloads than the agency's investigators, allowing more time to investigate cases in-depth.

Better case management can build on recent improvements

The recent return of an investigator from military duty should help the agency reduce caseloads and its backlog – provided complaints do not rise substantially and investigators do not leave.

The agency could further improve by focusing on investigations management.

The executive director reviews investigative reports for quality when deciding on sanctions to recommend to the Commission. The agency has developed standardized investigative reports to speed processing.

But the agency lacks detailed oversight of the investigations process and concrete performance goals.

In the past, the agency had a manager dedicated solely to investigations. To reduce costs, the current investigations manager also oversees licensing and customer service, leaving less time to monitor investigation quality and timeliness. The manager also has little investigative experience.

Investigators are experienced, but are not required to become certified investigators. Investigative staff told us ongoing training is limited.

Investigators have not received guidance on tracking investigations. They each developed their tracking methods, which are not consistent or complete. Inadequate tracking makes it difficult for management to quickly gauge which cases are the oldest, where large time gaps exist between investigative actions, and which cases investigators are treating as top priorities.

Management told us they are considering case management software, which would allow for better tracking and oversight. This could be a positive step.

In the interim, more management attention to the investigations process and a uniform method of tracking cases could better assist investigators and further reduce backlog.

The Agency Accepts and Investigates All Complaints, but Provides Little Guidance on What Conduct Should be Reported

Oregon accepts and investigates all complaints against educators. This approach makes it more likely that potential educator misconduct will be reported to the state's licensing body, an important public policy goal.

However, it can also increase complaints and caseloads, delay investigations, and increase the risk of reported allegations not being investigated in-depth.

Some other states have restricted complaint filing and can reject cases judged unlikely to lead to sanctions, measures that help to reduce investigator workload.

In Oregon, the agency has adopted a new complaint triage process that could allow Oregon to maintain its broader approach and still reduce investigator caseloads.

Improved guidance for complaint filers, districts and educators could also help streamline investigations and improve the quality of complaints.

Oregon takes a broad approach to complaint filing and investigations

Washington, California and Pennsylvania are among states that can dismiss complaints found not legally sufficient before an investigation starts.

Oregon investigates all complaints. According to the executive director, the agency, in consultation with its legal counsel, interprets state law to mean the agency must open an investigation of every complaint, even if the allegations in the complaint would not lead to any discipline if proved true.

In fact, the Commission does not file sanctions in about two-thirds of the cases it investigates. In particular, "patron" complaints filed by the public rarely result in sanctions, though they account for roughly half of complaints filed.

From 2011 to 2015, the Commission filed sanctions in just 34 patron cases, about 8% of the nearly 450 sanctions filed during those five years.

Some other states, including Washington in most cases, require public complainants to file complaints with school districts first.

It is not clear why Oregon's sanction rate is low on public complaints. Agency officials say it is because many of them do not warrant sanctions, but the issue merits detailed evaluation by the agency.

The agency can better advise complainants and districts on complaints and investigations

The agency recently began testing a case triage system that could reduce investigation of low-priority cases. It could also allow Oregon to maintain its broad approach and still reduce investigator caseloads.

Under the new system, if a complaint arrives that meets certain criteria – the complaint does not allege a violation of regulations, for example – the investigative unit as a group can decide to conduct a minimal investigation before bringing the case to the Commission.

Tier 1 Case Prioritization

1. Child safety, including sexual and physical abuse
2. Alcohol or drug issues
3. Educational misconduct

Investigation of these "Tier 2" cases typically does not involve interviewing the accused educator. In some cases, investigators also do not subpoena district personnel documents, which can be extensive.

The Commission still requires investigators and the executive director to bring the case to them for dismissal. This requires investigators to prepare an investigative report for each case, though a much shorter report than normal.

The tier system holds promise for reducing investigation length on low-priority cases and allowing more investigative depth on other cases. Better clarity from the Commission on the amount of work required on Tier 2 cases would help.

Management and investigators should also examine how the investigations process can be improved. This could include information from other investigative boards, both in state and outside.

We found three other actions the agency could take to streamline investigations, improve the quality of complaints, and, potentially, reduce the number of complaints filed:

Improve guidance to complaint filers. The current online form contains little guidance for complainants, and investigative staff would like to see it improved. Possibilities include having separate forms for districts and patrons, asking patrons if they have reported their concerns to the school district, and asking for contact information for witnesses. An online guide to what constitutes a valid complaint could also help.

Improve guidance for districts. District officials we spoke with said they would like more guidance from the agency on what conduct they should report. Agency officials say it is subjective, but generally complaints that lead to license sanctions include a pattern of poor behavior, a high likelihood of repeat behavior, and potential harm to a student. Districts could also benefit from more advice on how to conduct investigations.

Improve guidance for educators. Investigators are assigned to specific groups of districts. In part because of high caseloads, they do not brief educators in their districts on the latest discipline issues. Those issues, for example, include discipline for using school computers to view

inappropriate Internet sites, inappropriate relationships with students on social media, and educators using racially charged language.

The Agency has Improved Customer Service, but More Could be Done

The agency struggles to provide timely, consistent responses to phone and email requests, frustrating educators and damaging the agency's reputation.

The agency receives more than 5,000 emails and phone calls a month from educators. Its modest goal is to respond to at least 60% of these requests within three business days. The agency reports that it missed that goal from 2009 to 2014, in some years substantially. Promptly answering emails and phone calls is critical to license processing.

Customer service staff told us that questions about license requirements are among the most common reasons that educators and districts contact the agency. Timely responses can help applicants file accurate applications, and reduce rework for both educators and agency staff.

Long response times also damage the agency's reputation. These perceptions can take time to change given its three-to-five-year license cycle.

For a few weeks in 2012, the agency shut off its customer service phone line, diverting customer service staff to help process license applications and answer email. However, the Commission intervened after hearing complaints from educators. But some stakeholders still brought it up to us three years later.

Staff does respond well to school district licensing questions, district officials told us. The agency assigns a staff member to each district to serve as a direct contact. When individual educators have license questions, however, they have to use the agency's general email address and phone line. That service still falls short, districts said.

Management improved responsiveness to phone and email requests in 2015

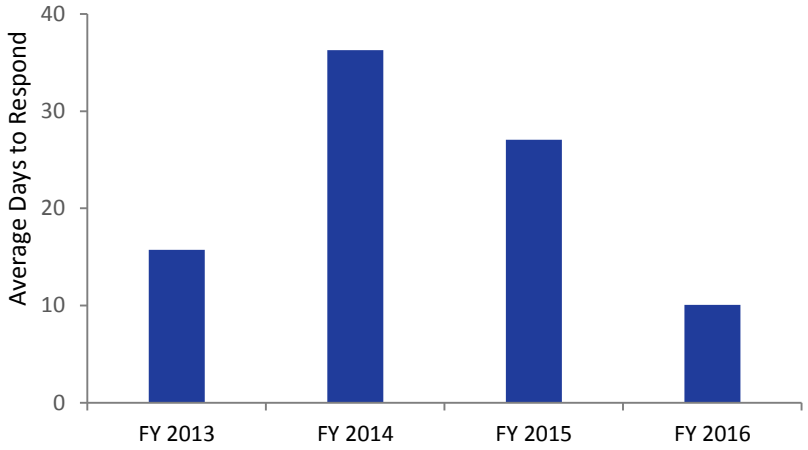
The agency began to address customer service issues in March 2015 when it hired more customer service staff, approved the use of overtime, and shifted one license evaluator to customer service duties.

In the last year, average call hold times dropped from more than 30 minutes to less than five minutes.

The changes have helped. Average call hold times fell to less than five minutes in summer 2015, down from 30 minutes the previous summer.

The percent of calls answered has also improved. Email response times declined from over 35 days in fiscal year 2014 to just over 10 days between July and October of 2015.

Figure 4: Average Number of Days Required to Respond to Educator Emails



Note: FY 2016 represents July-October 2015.

The new online license system will likely drive up questions from educators in the short term. Over time, however, it could simplify or reduce the agency's email communication with applicants. It will allow educators to see their license application status online, which should reduce phone calls and emails related to submitted applications.

The recent rule changes simplifying license requirements could also reduce applicant confusion over time, further reducing educator questions, emails and phone calls.

Customer service issues remain

The agency has room to improve customer service. Almost a third of all phone calls still go unanswered. It still takes more than a week, on average, for staff to respond to educator emails.

Districts and other stakeholders told us agency staff sometimes give inconsistent advice to educators and districts on license requirements. Frequent licensing rule changes are partially responsible for the confusion. Staff turnover and inadequate training likely also contribute.

We identified several potential improvements:

A better website. The agency's website does not provide educators with clear license instructions, lacking a comprehensive Frequently Asked Questions (FAQ) list with simple answers to basic licensure questions. A regularly updated website could reduce educators' need to contact the agency, cutting customer service workload. The agency could also track common questions received via email or phone calls and include the answers in the FAQ. That feedback loop is absent now.

Improved outreach. The agency does respond well to school district questions, but its communication of rule changes to school districts and educators is lacking. Educators can take unnecessary classes and skill tests

because they are not aware of changes to license requirements, staff said. The agency hopes to increase its outreach efforts once the online license system and simplified license requirements are fully implemented. However, both of those changes are likely to generate questions and increase the need for outreach in the short-term.

Improved oversight. The agency has not established adequate performance expectations for customer service staff. There are also no systematic reviews of phone or email responses to ensure that staff is giving accurate information to educators.

The Agency Needs to Build a More Productive Work Environment

Distrust between agency staff and management is high, though management and some staff said it has improved of late.

In our view, strained work relationships, combined with staffing challenges, have limited the agency's focus on employee development and productivity.

Improved communication, a focus on employee development, and clear performance standards could help the agency build a more productive work environment.

Strained working relationships affect agency performance

Our interviews with management and staff indicated that tensions within the agency have affected performance.

Some staff contended the tensions have increased turnover. Management said they have had to focus more on labor issues at times than productivity issues.

Grievances filed after staff voted to unionize in 2011 and an alleged "work slowdown" in 2013 have increased distrust among management.

Repeated missed deadlines for an online licensing system, a layoff of a union leader in 2012, and voluntary overtime soon after staff cuts helped spur staff distrust.

By early 2015, a majority of staff voted to support moving the agency's functions to the Oregon Department of Education, writing a highly critical memo to union leaders that circulated in the Legislature.

Communication between labor and management appears severely constrained. Last year, the union filed a grievance to request a regularly scheduled labor-management committee meeting.

A human resources consultant from the Department of Administrative Services (DAS) surveyed the agency last spring. Management stopped

communicating effectively with staff after criticism from staff, she concluded. Some staff felt ignored.

The agency recently had DAS assume its human resources duties, which management and staff told us is an improvement. Going forward, improved funding and increased agency performance could also help decrease tensions.

Better employee development and communication could improve the agency's performance

Across the agency, we found an absence of concrete performance goals and limited expectations for individual employees. Evaluations are sporadic at best. Staff told us many of the most recent evaluations were never finalized.

Communication has improved under the new director of licensing and investigations, staff said, but structured feedback and recognition of achievements is lacking.

Performance tracking is limited, and management's focus on work process improvement is also minimal. The DAS consultant found some staff were resistant to performance standards.

These shortfalls stem, in part, from the agency's limited resources, tight staffing, and turnover of both management and staff. The inadequate licensing system also prevents easy tracking of employee performance.

With the license fee increase, the new licensing system and more staff, the agency should be better positioned to improve the work environment moving forward.

Among the potential improvements:

Establishing timely, open communication. This can range from formal communication, such as labor-management meetings, to informal, such as regular staff meetings and check-ins with individual workers. Both management and staff should be able to express concerns.

Issuing timely evaluations. Evaluations can encourage discussions about performance, but also about agency goals, training needs, and important work issues that might not otherwise be addressed.

Focusing on employee development. DAS recommends a written development plan for each employee. Developed collaboratively, these plans can encourage continuous improvement and signal, along with performance reviews, that the organization is genuinely interested in employee growth.

Setting performance standards. To increase their performance, staff and management need to know what is expected of them in licensing, investigations and customer service. The DAS consultant – and some staff – told us performance standards would add needed accountability and give workers more clarity in their jobs.

Commission Could Strengthen its Oversight of Agency Performance

The Commission is the governing board for the agency, and is responsible for monitoring the performance of the agency and its executive director. This agency oversight is an important part of the Commission's role. The agency is independent, separate from the Governor's office or any other oversight entity.

As reported above, the agency has longstanding challenges needing significant attention - untimely license processing and investigations, poor response times to educator emails and phone calls, and strained relationships between management and staff. Until recently, the Commission's focus on resolving these challenges has been minimal.

Warning signs of the agency's challenges were apparent. The executive director regularly reported the agency's backlog and customer service issues. Agency employees voiced their concerns with the management of the agency in 2011 during the Commission's only staff survey. Employees communicated their frustrations again in 2015 in a memo circulated to the Legislature.

Recent Commission actions, such as redesigning teaching license requirements should help address backlogs. But the agency lacks clear expectations and accountability for its performance at all levels. Past Commission-approved goals for the executive director focused little on reducing backlog and improving the work environment.

The Commission did not regularly evaluate the executive director. The most recent evaluation did not include perspectives from agency employees and did not address agency performance.

High workload may have limited individual commissioners from taking a more active role in monitoring agency operations.

Along with agency oversight, the Commission's duties include adopting new policies, deciding discipline for educator misconduct, and approving teacher education programs. These responsibilities require significant time and effort, both during and outside of Commission meetings.

Most commissioners also work full time as teachers or administrators, further limiting the time they have to govern agency operations.

The Commission should discuss how to better address workload challenges while improving oversight. One option: using Commission committees already in place.

Committees can assist boards and commissions in doing their work more efficiently and effectively. The Commission already has committees for its programs and it could delegate oversight responsibilities to these

committees. This could help reduce commissioners' responsibilities and improve the Commission's effectiveness in governing these functions.

More focus needed during leadership transition

The agency's long-serving executive director plans to retire later this year and the deputy director is retired and working on a reduced schedule on contract. This leadership transition heightens the need for the Commission to focus on improving the organization.

Moving forward, the Commission should clearly communicate to the new director its expectations on agency performance and working conditions. The Commission should also provide timely and regular feedback on the executive director's progress in meeting those expectations.

The Commission could also benefit from seeking regular feedback from agency employees, customers, and outside stakeholders on the agency's performance and operations.

Issues that May Require Attention

Our audit work centered on backlogs in licensing, investigations and customer service, but we did note other issues that could benefit from additional review.

Commission composition. The 17-member Commission has only two public representatives, but they both have extensive backgrounds in education. The Governor's office, which appoints commissioners, should consider whether appointing non-educators to positions designated for the "general public" could add new perspectives and increase public confidence in Commission decisions.

Agency Key Performance Measures: We found problems with the agency's Key Performance Measures (KPMs) for investigations and customer service. The investigation KPM tracks the time from a complaint filing to a final order by the Commission. This method includes actions that are out of the agency's control – whether an educator appeals an order, for example. A more meaningful measure would include the length of investigations as well as the total time to resolve cases. The customer service KPM indicates it tracks both phone call and email response. However, it has not included phone call response for several years.

Fees for accrediting teacher education programs. The agency does not charge Oregon colleges and universities for state accreditation of their teacher education programs, leaving educators to bear the costs. The agency estimates accreditation expenses based on the employees allocated to the program, but has not examined the costs incurred for each accreditation. Given educators' limited resources and the agency's expressed need for additional revenue, the agency should consider determining its costs and assessing the colleges and universities accordingly.

Confidential separation agreements. In our case reviews, we found several examples of school districts signing confidential separation agreements with educators. These agreements bar district officials from disclosing problems identified with educators if the educators agree to leave their positions. The agreements could allow teachers with significant challenges to move to other districts without disclosure of those challenges. The agency has no authority to limit these agreements, but the Legislature may want to consider whether to establish additional safeguards against overuse.

Attorney-Client Privilege. Some school districts refuse to release their investigative files on educators to the agency, citing attorney-client privilege. This practice hinders the work of investigators.

Clarity on DUII discipline. In our case reviews, we found a teacher who was arrested five times for driving under the influence of intoxicants while off duty, but did not receive a public sanction from the Commission. Aside from its practice of not sanctioning a first off-duty DUII conviction, the Commission's discipline approach on DUIIs is not clear. The Commission may want to discuss this issue. The Legislature may also want to consider whether convictions for multiple DUIIs should be included among the crimes that require automatic Commission sanction under state law.

Recommendations

To improve licensure processing, we recommend agency management:

- Continue communicating with employees on license rule changes before and after Commission approval.
- Develop a plan to address issues that could hinder the successful implementation of the online application system.
- Create and regularly update written policies and procedures for evaluating and processing licenses centered on using the upcoming online application system.
- Consider identifying and incorporating best practices employed internally and at other licensing agencies.
- Develop licensing production goals and use the reporting capabilities of the online licensing system to track progress and provide feedback to staff.
- Develop a process for systematically reviewing issued licenses to ensure quality and consistency.

To help improve expedited license service, we recommend agency management:

- Work to reduce license backlog and issue more timely licenses.
- Track explanations for all expedited service requests.

We also recommend the Commission:

- Clearly define what constitutes an "urgent situation" warranting expedited service for license applications.
- Discuss appropriate procedures for processing applications that need expedited service because of agency delays.

To improve complaint investigations, we recommend agency management:

- Prioritize obtaining a case management system, and standardize case tracking in the interim.
- Consider requiring complaint investigators to obtain certifications.
- Improve case management of investigations, including researching best practices at other boards, clarifying expectations on the amount of investigative work required, setting performance goals, and providing regular feedback to investigators.
- Provide more guidance to districts on complaint filing and how to properly conduct district-level investigations.
- Work with investigators to improve the agency's complaint form.
- Develop an online guide to what constitutes a valid complaint.
- Develop a plan for communicating discipline issues to educators.

We also recommend the Commission:

- Provide more guidance to investigators on the amount of investigative action required for lower-tiered complaints.
- Monitor improvements to case management and to guidance for investigators, districts and educators. If high caseloads and lengthy investigations remain, consider tightening the interpretation of state laws or increasing the number of investigators.

To improve customer service, we recommend agency management:

- Update the agency's website so that it provides educators with clear instructions for obtaining and renewing licenses.
- Begin tracking common questions received over the phone and email in order to develop a more comprehensive and useful FAQ page for the website.
- Increase outreach efforts to better communicate licensure rule and process changes to educators and districts.
- Develop individual performance goals for customer service staff, monitor progress toward those goals and provide regular feedback to staff.
- Regularly review email and phone responses from staff to ensure educators and districts receive accurate and consistent information.
- Include customer service staff in meetings discussing licensure rule changes to help ensure that they give consistent advice to applicants.

To improve working environment, we recommend agency management:

- Work with staff to develop a plan for timely, open internal communications.
- Regularly review internal processes and procedures and periodically research best practices to identify opportunities for process improvements.
- Develop performance expectations and standards for employees, monitor employee work, and provide regular and timely feedback on employee progress.
- Develop collaborative, written development plans with each employee.

We also recommend the Commission create a mechanism for staff to communicate their concerns if staff feel that management is not adequately addressing them.

To improve oversight and accountability, we recommend the Commission:

- Consider using the committee structure already in place to increase the Commission's awareness of individual programs, processes and results.
- Develop expectations and goals for the executive director that address reducing licensure and investigations backlogs, improving responsiveness to educators, and improving the agency's work environment.

- Monitor agency performance and provide guidance to management on ways they can address operational challenges.
- Seek feedback from staff and outside stakeholders on agency and executive director performance.
- Conduct annual evaluations of the executive director based on his/her performance in meeting Commission approved expectations and goals.

Objectives, Scope and Methodology

This audit responds House Bill 3339, which required an audit of Teacher Standards and Practices Commission by our office.

Our audit objective was to identify challenges the agency faces in providing high quality service in educator licensure, complaint oversight, and customer service.

We focused on the agency's licensing, investigations, customer service, and work environment. Recent audits by our office have focused on the agency's cash handling and its role in teacher preparation.

To address our audit objective, we interviewed stakeholders from the Confederation of State Administrators, Chalkboard Project, Oregon Alliance of Independent College and Universities, Oregon Education Association, Oregon School Boards Association, and Oregon School Personnel Association. We interviewed members of the Oregon Legislature and officials from two local school districts.

We interviewed several Commission members to gain their perspectives on the challenges the agency faces and actions the Commission has taken to address those challenges.

We interviewed agency managers and staff to understand procedures for evaluating and processing educator licenses, investigating complaints, deciding sanctions for educator misconduct, and responding to teacher and district phone calls and emails. We learned of existing challenges in the agency's work environment during these interviews.

We reviewed state laws, administrative rules and management best practices related to the agency and our audit objective. We also reviewed the agency's performance measures, customer survey responses, commission meeting agendas and minutes, and legislative presentations.

To understand the agency's financial position, we reviewed documents on the agency's revenues, expenses and budget. We also reviewed the agency's revenue and expense data we extracted from Oregon's State Financial Management Application.

We observed staff processing and evaluating applications to understand how the agency issues licenses. We also observed customer service staff responding to educator emails.

To understand actions staff took to investigate reported educator misconduct, we reviewed files for 15 investigations completed by November 2015. We selected these cases judgmentally, looking for investigations conducted by different staff, a mixture of commission rulings and older and newer cases. The sample is not statistically representative of all cases investigated during 2015.

We also interviewed managers of other licensing agencies, the attorney who represents the agency, and an attorney who represents educators to identify potential best practices in investigating complaints.

We relied on publically reported data on the agency's backlogs in issuing licenses, completing investigations, and responding to educator emails and phone calls. We focused on actions the agency could take to improve timeliness and not on confirming the backlogs' extent. Though we did not assess the data's reliability, we believe the data was sufficient for our audit purposes.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained and reported provides a reasonable basis to achieve our audit objective.

An auditor from our office, who was not involved with the audit, reviewed our report for accuracy, checking facts and conclusions against our supporting evidence.

Photo obtained from Dreamstime.com; © Monkey Business Images.

Oregon
Kate Brown, Governor

TEACHER STANDARDS AND PRACTICES COMMISSION
250 Division Street N.E. Salem, OR 97301
Phone: (503) 378.3586
Fax: (503) 378.3758

January 12, 2016

Gary Blackmer, Director
Audits Division
Office of the Secretary of State
255 Capitol Street NE, Suite 500
Salem, OR 97310

RE: Audit Report: *Teacher Standard and Practices Commission: Better Oversight and a More Productive Work Environment Could Improve Service to Educators*

Dear Mr. Blackmer:

The Teachers Standards and Practices Commission was established in 1965 with the responsibility to maintain and improve performance in the education profession. Since its inception, much has changed in the education profession, but what remains the same is the commitment of the Commission to its responsibilities. As indicated by the Secretary of State's Audit, the Commission has a great deal of work ahead in restoring the confidence of the educators and the public it serves.

As the governing body for the agency, it is the responsibility of the Commission to monitor the effectiveness of the agency and its executive director. The Commission recognizes that a more proactive and responsive approach is required to resolve agency challenges before they become unmanageable. Clear and measureable expectations regarding agency performance and workplace conditions begins with the Commission. Although the Commission is comprised of 17 appointed and confirmed individuals representing a wide array of stakeholders, we all share a common and focused desire to ensure Oregon teachers are properly and efficiently licensed, investigations are promptly and professionally completed and educator preparation programs are thoroughly accredited.

The recent history of licensing and investigative backlogs will not be easy to undo or escape, but it will be one of the priorities for the Commission to resolve. We thank the auditors for their clarity in identifying areas of concern, and their thoughtfulness in their recommendations. The Commission looks forward to the work ahead and the challenges presented as the result of this process.

<u>To improve licensure processing, we recommend agency management:</u>

Recommendation: Continue communicating with employees on license rule changes before and after Commission approval. The agency agrees with this recommendation.

Recommendation: Develop a plan to address issues that could hinder the successful implementation of the online application system. The agency disagrees with this statement. The agency the contractor has delivered on all major milestones of the project and we are actively engaged in the launch. The contractor has a long-standing track-record for delivering online

applications systems. The transition has been thoughtfully planned to ensure the least impact on stakeholders. The agency has hired a communications person to assist in getting information to educators, districts and stakeholders. Currently new communication is being delivered through direct email communication, vibrant web changes, and staff training for a consistent message regarding the implementation.

Recommendation: Create and regularly update written policies and procedures for evaluating and processing licenses centered on using the upcoming online application system. The agency agrees with this recommendation. Once the online application process is fully implemented the agency will work on needed procedures for evaluating licenses.

Recommendation: Consider identifying and incorporating best practices employed internally and at other licensing agencies. The agency agrees this is a good practice. With only three and a half management employees the agency has been focused on simplifying licensure and implementing the new online system. Once the system is fully launched later in 2016 and the impact on response times, employee time to issue a license and other internal practices can fully be analyzed, the agency will consider innovative practices in other small agencies.

Recommendation: Develop licensing production goals and use the reporting capabilities of the online licensing system to track progress and provide feedback to staff. The agency agrees with this recommendation and will continue to give daily feedback to the licensure and customer service unit regarding the previous day's performance as a team as we have since 2011.

Recommendation: Develop a process for systematically reviewing issued licenses to ensure quality and consistency. The agency agrees this is important and will review this recommendation once the online system is fully launched later in 2016.

<u>To help improve expedited license service, we recommend agency management</u>:

Recommendation: Work to reduce license backlog and issue more timely licenses. The agency agrees with this recommendation and has worked to develop the new online application system to achieve this goal over the past two years. Work on the backlogs has been ongoing and will continue to be a top priority.

Recommendation: Track explanations for all expedited service requests. The agency agrees with tracking expedited service explanations and accepts responsibility for the brief lapse in oversight over this process during our recent staffing turnover.

Recommendation: The Commission clearly define what constitutes an "urgent situation" warranting expedited service for license applications. The Commission generally agrees with this recommendation and will clarify conditions warranting an expedited service for license applications. Expedited service for license applications should include clearly defined components such as restricting the service to Districts and not individuals as well as requiring a reason justifying the "urgent situation" with the completed application. We anticipate a full

commission discussion, concerning expedited license application, at our April 6-8, 2016 meeting, with final recommendations by the June 22-24, 2016 meeting.

Recommendation: Discuss appropriate procedures for processing applications that need expedited service due to agency delays. The Commission generally agrees with this recommendation. The Commission is committed to develop a procedure addressing such occurrences. This will be included in the discussion at our April 6-8, 2016 meeting, with final recommendations by the June 22-24, 2016 meeting.

To improve complaint investigations, we also recommend agency management:

Recommendation: Prioritize obtaining a case management system, and standardize case tracking in the interim. The agency agrees with this recommendation. The agency has hired a limited duration scanner to determine the scope of the documents that will be needed to be classified in a case management system. The agency started conversations with NIC-USA to start development of a case management system once our online application system is more fully implemented.

Recommendation: Consider requiring complaint investigators to obtain certifications. The agency and the Commission will consider this recommendation.

Recommendation: Improve case management of investigations, including researching best practices at other boards, clarifying expectations on the amount of investigative work required, setting performance goals, and providing regular feedback to investigators. The agency agrees with this recommendation. The agency has three full-time investigators and one limited duration investigator. The agency needs a full-time manager for this unit to accomplish this work. Given the current approved staffing, the oversight of the licensure unit and investigation unit is handled by one manager. The caseload in both areas (licensure and investigations) grew when we cut the licensure supervising management position in the 2013-2015 budget.

Recommendation: Provide more guidance to districts on complaint filing and how to properly conduct district-level investigations. The agency agrees it is important to provide more guidance regarding complaint filing but disagrees that it is with the agency's purview to train on how to conduct internal investigations. Investigations are generally conducted with the assistance of school district legal counsel and other district human resources. The agency does not have the staffing resources to pull investigators from important caseload management to conduct trainings.

Recommendation: Work with investigators to improve the agency's complaint form. The agency agrees with this recommendation and will have this completed by the April 2016 Commission meeting.

Recommendation: Develop an online guide to what constitutes a valid complaint. The agency agrees that guidance on complaints is important and will work with the Commission to identify

what *does not* constitute a valid complaint and have recommendations regarding complaint guidance completed by the end of summer 2016.

Recommendation: Develop a plan for communicating discipline issues to educators. The agency agrees this is important, however the agency does not currently have the resources or capacity to develop an ongoing communication regarding discipline and complaints related to investigations.

We also recommend the Commission:

Recommendation: Provide more guidance to investigators on the amount of investigative action required for lower-tiered complaints. The Commission generally agrees with this recommendation. The Commission recognizes the need to balance its responsibility to protect students and families with the realities of limited resources. A clearly defined procedure needs to developed and implemented to allow investigators to better prioritize investigative resources and ensure that high priority investigations are completed timely, efficiently and completely. The newly implemented tiered system will be closely monitored by the Commission to determine its effectiveness.

Recommendation: Monitor improvements to case management and to guidance for investigators, districts and educators. If high caseloads and lengthy investigations remain. Consider tightening the interpretation of state laws or increasing the number of investigators. The Commission generally agrees with this recommendation. It is the responsibility of the Commission to monitor the agency's ability to efficiently investigate cases and be prepared to make the necessary adjustments to maintain the level of service expected by the public. The Commission will develop a process to monitor the number of cases being received as well as the length of time being dedicated to the investigation. If funds become available and are approved, the Commission will consider increasing the number of investigators.

To improve customer service, we recommend agency management:

Recommendation: Update the agency's website so that it provides educators with clear instructions for obtaining and renewing licenses. The agency agrees with this recommendation and has recently hired a new staff person with web capabilities who has been working effectively with the contracted communications person to review the entire web site. Major web renovations have already been completed and will be continued.

Recommendation: Begin tracking common questions received over the phone and email in order to develop a more comprehensive and useful FAQ page for the website. The agency agrees with this recommendation and through work with the contracted communications person and new agency staff, a revised and useful FAQ is nearing completion and will be posted in the next two weeks.

Recommendation: Increase outreach efforts to better communicate licensure rule and process changes to educators and districts. The agency agrees this is a great practice but disagrees that it currently has the staffing resources to accomplish this consistently. Throughout the online

application launch and implementation of a revised licensure system we are using a temporarily contracted communications person to accomplish this recommendation in the near term.

Recommendation: Develop individual performance goals for customer service staff, monitor progress towards those goals and provide regular feedback to staff. The agency agrees with this recommendation and has postponed development of these goals until the full launch of the online application system. In late fall 2015, the agency promoted an employee to lead worker in this area to assist with communication, coordination and production. The agency understands the importance of establishing performance goals and providing regular feedback to staff. The agency has communicated daily performance to the licensure staff via email since 2011. This information includes the: number of licenses issued, number of pending applications, number of email responded to, number of pending email, number of walk-in customers and number of phone calls received.

Recommendation: Regularly review email and phone responses from staff to ensure educators and districts receive accurate and consistent information. The agency agrees this is important and has taken the following steps: We have met with staff regularly regarding the rule changes and developed a training plan for the new online application system. With the hiring of a rule coordinator, information gaps are being filled in the rules to assist with clearer communication to educators, districts and higher education. Following full implementation of the online system, the agency will develop a plan to review licensure information responses regularly to ensure we are dispensing accurate information.

Recommendation: Include customer service staff in meetings discussing licensure rule changes to help ensure that they give consistent advice to applicants. The agency agrees this is important and has been including all licensure staff in meetings regularly throughout rule development since May 2015. This practice will continue.

<u>To improve working environment, we recommend agency management</u>:

Recommendation: Work with staff to develop a plan for timely, open internal communications. The agency agrees with this recommendation.

Recommendation: Regularly review internal processes and procedures and periodically research best practices to identify opportunities for process improvements. The agency agrees with this recommendation and our responses have been fully addressed in other recommendations related to licensure and investigations procedural improvements.

Recommendation: Develop performance expectations and standards for employees, monitor employee work, and provide regular and timely feedback on employee progress. The agency agrees with this recommendation and our responses have been fully addressed in other recommendations related to licensure and investigations performance monitoring.

Recommendation: Develop collaborative, written development plans with each employee. The agency agrees with this recommendation. This work will be completed following implementation of the new online application system.

<u>To improve oversight and accountability, we recommend the Commission</u>:

Recommendation: Create a mechanism for staff to communicate their concerns if staff feels that management is not adequately addressing them. The Commission generally agrees with this recommendation. To ensure opportunities for developing positive workplace conditions, the Commission will create more access for agency staff to communicate unresolved concerns. The Commission is committed to developing a mechanism to improve the communication between the Commission and the agency staff.

Recommendation: Consider using the committee structure already in place to increase the Commission's awareness of individual programs, processes and results. The Commission generally agrees with this recommendation. The committee structure will be considered as one option to improve oversight and accountability. The Commission's awareness of individual programs, processes and results will be the focus during the development of such a structure.

Recommendation: Develop expectations and goals for the executive director that address reducing licensure and investigation backlogs, improving responsiveness to educators and improving the agency's work environment. The Commission generally agrees with this recommendation. During this transitional period, the Commission is committed to developing clear and measureable expectations for the executive director addressing licensure and investigation backlogs, improving responsiveness to educators and improving the agency's work environment.

Recommendation: Monitor agency performance and provide guidance to management on ways they can address operational challenges. The Commission generally agrees with this recommendation. The Commission is committed to developing an organizational structure monitoring agency performance as well as providing guidance for management in addressing operational challenges.

Recommendation: To improve oversight and accountability, the Commission should seek feedback from staff and outside stakeholders on agency and executive director performance. The Commission generally agrees with this recommendation. Access to the Commission for staff and outside stakeholders regarding agency and executive director performance should include a variety of ways not limited to public Commission meetings. The Commission is committed in ensuring staff and outside stakeholders have regular input into the performance of the agency and the executive director.

Recommendation: To improve oversight and accountability, the Commission should conduct annual evaluations of the executive director based on his/her performance in meeting Commission approved expectations and goals. The Commission generally agrees with this

recommendation. The Commission has already started discussions concerning the evaluation process for the executive director. The Commission is committed to developing an evaluation process to include opportunities for providing feedback as well as to annually evaluate the executive director's performance in meeting Commission approved expectations and goals.

Collectively, these recommendations will help guide the Commission to implement strategic changes necessary for improved agency oversight, enhanced transparency and increased effectiveness. Implementation timeframes will be determined by prioritizing efforts towards the most time sensitive and impactful recommendations. Obviously, the transition to a new executive director provides opportunities for immediate systemic changes. Commission discussions have already started regarding recommendations pertaining to the Commission's review of the executive director's performance expectations and systematic evaluation. Licensure and investigative backlogs continue to adversely affect the agency's ability to meet the immediate needs of educators and will remain a priority until fixed. With the launch of the new online system, it is reasonable to expect the licensure backlog to be resolved during 2016. With the implementation of the tiered-system for investigations, it is reasonable to expect the investigative backlog being reduced during 2016. Both backlogs will be closely monitored by the Commission who will continue to work with the executive director and the staff to identify opportunities for a faster resolution.

Respectfully,

Victoria Chamberlain
Executive Director on behalf of the Commission

cc: Commissioners

About the Secretary of State Audits Division

The Oregon Constitution provides that the Secretary of State shall be, by virtue of her office, Auditor of Public Accounts. The Audits Division exists to carry out this duty. The division reports to the elected Secretary of State and is independent of other agencies within the Executive, Legislative, and Judicial branches of Oregon government. The division audits all state officers, agencies, boards, and commissions and oversees audits and financial reporting for local governments.

Audit Team

Willian Garber, CGFM, MPA, Deputy Director

Sheronne Blasi, MPA, Audit Manager

Andrew Love, Principal Auditor

Scott Learn, MS, Staff Auditor

Jonathan Bennett, MPA, Staff Auditor

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website: sos.oregon.gov/audits

phone: 503-986-2255

mail: Oregon Audits Division
255 Capitol Street NE, Suite 500
Salem, Oregon 97310

The courtesies and cooperation extended by officials and employees of the Teacher Standards and Practices Commission during the course of this audit were commendable and sincerely appreciated.