

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OCT 29 2019

2 OF THE STATE OF OREGON

Teacher Standards & Practices Commission

3 In the Matter of the ) STIPULATION OF FACTS AND  
4 Educator License of ) FINAL ORDER OF PUBLIC  
5 DEBORAH SHEPARD ) REPRIMAND AND PROBATION  
6

7 On April 17, 2017, the Teacher Standards and Practices Commission  
8 (Commission) received a report from Department of Human Services Child Welfare  
9 (DHS CW) indicating that Deborah J Shepard (Shepard) may have committed an act of  
10 gross neglect of duty and/or gross unfitness. Specifically, DHS CW reported that Shepard  
11 had engaged in inappropriate physical contact with student(s) in a Special Education  
12 (SPED) classroom.

13 After review of the matters alleged, Shepard and the Commission agree that their  
14 respective interests, together with the public interest, are best served by a stipulation to  
15 certain facts, the imposition of a public reprimand, and a two (2) year period of  
16 probation.

17 This Order sets forth the facts upon which the parties have agreed and the  
18 sanction to be imposed. Shepard stipulates that there are sufficient facts contained in  
19 the Commission’s files and records to support the findings of fact and conclusions of law  
20 set forth below. In entering into this stipulation, Shepard waives the right to a hearing to  
21 contest the findings of fact, conclusions of law and order set forth below.

22 By signing below, Shepard acknowledges, understands, stipulates, and agrees to  
23 the following: (i) she has been fully advised of her rights to notice and a hearing to  
24 contest the findings of fact, conclusions of law, and order set forth below, and fully and  
25 finally waives all such rights and any rights to appeal or otherwise challenge this  
26 Stipulation of Facts and Final Order of Public Reprimand and Probation (Stipulation and  
27 Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to  
28 the public upon request by the Commission; (iii) this Stipulation and Final Order is  
29 contingent upon and subject to approval and adoption by the Commission. If the  
30 Commission does not approve and adopt this Stipulation and Final Order, then neither  
31 Shepard nor the Commission are bound by the terms herein; (iv) she has fully read this  
32 Stipulation and Final Order, and understands it completely; (v) she voluntarily, without  
33 any force or duress, enters into this Stipulation and Final Order and consents to issuance  
34 and entry of the Stipulated Final Order below; (vi) she states that no promise or  
35 representation has been made to induce her to sign this Stipulation and Final Order; and

1 (vii) she has consulted with an attorney regarding this Stipulation and Final Order and  
2 has been fully advised with regard to her rights thereto, or waives any and all rights to  
3 consult with an attorney prior to entering into this Stipulation and Final Order and  
4 issuance and entry of the Stipulated Final Order below.

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6 **STIPULATION OF FACTS**

- 7 1. The Commission has licensed Shepard since August 21, 2009. Shepard previously  
8 held a Preliminary Teaching License, with an endorsement Special Education:  
9 Generalist (PK-12), valid from May 10, 2016 through May 9, 2019. Shepard has  
10 not made application for renewal. During all relevant times, Shepard was  
11 employed by the Portland Public School District (PPSD).  
12
- 13 2. On April 17, 2017, the Commission received a report from Department of Human  
14 Services Child Welfare (DHS CW) indicating Shepard had engaged in conduct  
15 that may be considered gross neglect of duty and/or gross unfitness. The  
16 Commission contacted PPSD and learned they were aware of the allegations and  
17 were conducting an investigation. DHS CW reported Shepard had allegedly  
18 engaged in inappropriate physical contact with student(s) in a Special Education  
19 (SPED) classroom.  
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- 21 3. Investigation determined that on or about April 16, 2017, PPSD administrators  
22 received information from para-educators serving in Shepard's classroom that  
23 Shepard had been overly physical with SPED students during the 2016-2017  
24 school year, such as improper student restraints. PPSD determined Shepard's  
25 conduct violated district policies and was not consistent with Nonviolent Crisis  
26 Intervention (NCI) protocols and training. Records indicated that Shepard had  
27 not received annual NCI training and thus was not authorized to perform any  
28 student restraints or seclusions. Although Shepard was signed up for an NCI  
29 training in January of 2017, it was cancelled due to weather. On September 11,  
30 2017, Shepard submitted her resignation effective October 31, 2017.

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1 IT IS SO STIPULATED:

2 Deborah J Shepard  
3 Deborah J Shepard

10-23-19  
Date

4 Trent Danowski  
5 Trent Danowski, Deputy Director  
6 Teacher Standards and Practices Commission  
7

10/29/2019  
Date

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9

**CONCLUSION OF LAW**

10 The conduct described above constitutes gross neglect of duty in violation of ORS  
11 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*  
12 *professional judgment*), OAR 584-020-0020(2)(d) (*Skill in the supervision of students*),  
13 OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*),  
14 and OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow*  
15 *employees, or visitors to the school, except as permitted under ORS 339.250*).  
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17 The Commission's authority to impose discipline in this matter is based upon  
18 ORS 342.175.  
19

20 **ORDER**

21 The Commission adopts and incorporates herein the above findings of fact and  
22 conclusions of law, and based thereon, imposes a public reprimand upon Deborah J  
23 Shepard's Oregon educator license.  
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25 Furthermore, the Commission imposes a period of two (2) years' of probation  
26 upon Shepard's Oregon educator license to commence from the date Shepard again  
27 becomes licensed through the Commission, and subject to the following terms and  
28 conditions of probation:

- 29 1. Shepard shall comply with the Standards for Competent and Ethical Performance  
30 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division  
31 020.  
32 2. Shepard will successfully complete the NCI training or approved equivalent  
33 within the first year of her probation period.  
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35 Issued and dated this 8 day of November, 2019.

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**TEACHER STANDARDS AND PRACTICES COMMISSION**  
**STATE OF OREGON**

By  \_\_\_\_\_

Dr. Anthony Rosilez, Executive Director