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BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
OF THE STATE OF OREGON

In the Matter of the )  
Educator License of )  
ALICIA M ATHERTON ) STIPULATION OF FACTS AND  
FINAL ORDER OF SUSPENSION  
AND PROBATION

On December 13, 2017, the Teacher Standards and Practices Commission (Commission) received a report from the Willamina School District (WSD) indicating Alicia M. Atherton (Atherton) may have committed an act of gross neglect of duty and/or gross unfitness, in connection with unprofessional conduct while appearing / working after hours at her work site.

After review of the matters alleged, Atherton and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a three (3) month suspension followed by a period of probation.

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

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



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

5 **STIPULATION OF FACTS**

- 6 1. The Commission has licensed Atherton since July 12, 2001. Atherton's Initial II  
7 Teaching License, with endorsements in ESOL (ML/HS, ECE/ELE) and Multiple  
8 Subjects Self-Contained (ECE, ELE), is valid from May 4, 2015 through May 3,  
9 2018. On May 3, 2018, Atherton made timely application for renewal, and the  
10 expiration of Atherton's license was pended awaiting the results from the  
11 Commission's investigation. During all relevant times, Atherton was employed by  
12 the WSD.
- 13 2. On December 13, 2017, the Commission received information from the WSD  
14 indicating Atherton may have committed acts which constitute gross neglect of  
15 duty. The district reported that on multiple occasions during the month of  
16 December 2017, Atherton reported, after hours, to her worksite and engaged in  
17 unprofessional conduct that violated district policies.
- 18 3. Investigation determined that during the month of December 2017, Atherton  
19 repeatedly appeared on school grounds afterhours. Surveillance video showed  
20 Atherton entering and exiting the school at various dates and times ranging from  
21 7:30 pm to 3:00 am. Atherton explained during an interview that she came to the  
22 school afterhours in an endeavor to be a good teacher (perform work) and  
23 because things at home were not good. While Atherton was on school grounds  
24 afterhours, Atherton engaged in a variety of inappropriate behaviors including  
25 consumption of alcohol on school premises, and other inappropriate conduct that  
26 violated district policy. At one point during the district investigation. Atherton  
27 elected to resign her employment in lieu of termination.  
28

29 IT IS SO STIPULATED:

30 	<u>10-2019</u>
31 _____	Date
32 Alicia M. Atherton	
33 	<u>10/24/2019</u>
34 _____	Date
35 Trent Danowski, Deputy Director	
36 Teacher Standards and Practices Commission	



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**CONCLUSION OF LAW**

The conduct described above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*), and OAR 584-020-0040(4)(b) (*Substantial unauthorized use of employment time or school resources for private purposes*). Furthermore, the conduct described in section two (2) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(2)(e) (*Not use the district's or school's name, property, or resources for non-educational benefit or purposes without approval of the educator's supervisor or the appointing authority*); and OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*).

The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

**ORDER**

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a three (3) month suspension upon Atherton's Oregon educator license as follows:

Alicia Atherton's Oregon educator license is hereby suspended for three (3) month following the adoption of this order.

Furthermore, the Commission imposes a three (3) year period of probation upon Atherton to commence upon reinstatement of her Oregon educator license and subject to the following terms and conditions of probation:

1. Atherton shall submit semiannual progress reports to the commission for the first two years of her probation period from a mental health professional indicating continued counseling at a level recommended by the provider. Treatment prior to the execution of this Stipulation will be credited toward this requirement.
2. Atherton shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

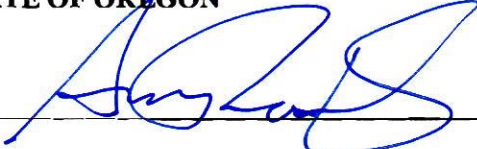
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Violation of any term or condition of probation shall constitute an independent basis for the Commission to revoke Atherton's Oregon educator license or otherwise impose discipline, after first providing Atherton with notice and opportunity for hearing

Issued and dated this 8 day of November, 2019.

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

By  \_\_\_\_\_

Dr. Anthony Rosilez, Executive Director

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10-20-19