

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

3
4 In the Matter of the Educator) DEFAULT ORDER OF
5 License of) PUBLIC REPRIMAND
6 KATHY D. AUSTIN)

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9 On October 7, 2019, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Kathy D. Austin (Austin) in which the
11 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First
12 Class Mail and U.S. Certified Mail Receipt 7018 1830 0001 6178 6728 to the address on file
13 with the Commission. The Notice designated the Commission file as the record for purposes
14 of proving a prima facie case. The Certified Mail receipt was returned to the Commission
15 “Unclaimed”. The first class mail was not returned to the Commission and assumed
16 delivered. The Notice of Opportunity for Hearing, dated October 7, 2019, and signed by
17 Anthony Rosilez, Executive Director, stated:

18 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW
22 YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR
23 NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE
24 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE
25 THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER
26 DISCIPLINE.”

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28 On October 24, 2019, Austin contacted Commission staff to request an extension. It was
29 agreed that Austin would request a hearing to preserve her right to a hearing while she dealt
30 with a family crisis. On November 13, 2019, Austin re-contacted Commission staff and
31 advised that she wanted to withdraw her request for a hearing and enter into a default
32 order. The Commission, therefore, finds Austin to be in default and enters the following
33 findings of fact, conclusions of law, and final order, based on the files and records of the
34 Commission concerning this matter.

35 **FINDINGS OF FACT**

- 36 1. Austin has been licensed by the Commission since April 3, 1990. Austin holds a
37 Professional Teaching License, with endorsements in English Language Arts (PK-
38 12) and Reading Intervention (PK-12), valid from April 21, 2017 through May 19,

1 2022. During all relevant times, Austin was employed by the Sheridan School
2 District (SSD).

- 3 2. On April 5, 2017, the Commission received a school district misconduct report
4 indicating that Austin may have engaged in conduct that may be considered gross
5 neglect of duty and/or gross unfitness. Specifically, Austin had inaccurately
6 awarded, and/or failed to award, academic credits appropriately.

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8 In January 2017, it came to the attention of the school administration that Austin
9 had errantly completed a 504 plan for a student (JD) in an attempt to change the
10 student to a “modified diploma” status in order to allow the student to graduate.
11 The 504 process Austin engaged in was conducted outside of district policies,
12 which Austin had been provided a copy. In the course of reviewing Austin’s 504
13 incident, other issues and discrepancies were observed.

14
15 Investigation determined that during the 2016-17 school year, Austin had issued
16 student JD unearned credits, awarded credits for incomplete course work,
17 inappropriately approved over credit for classes, bypassed course requirements,
18 and other related manipulations and falsifications related to student academic
19 credit. This prompted additional audits of Austin’s grading/credit practices.

20 Investigation determined that Austin had engaged in a pattern of issuing
21 unearned and/or inappropriate credits for additional students, and at times had
22 failed to issue credit when it had been properly earned. Austin’s grading
23 discrepancies violated district grading policies and appeared to be deliberate
24 manipulations and falsifications in an attempt to promote or graduate students.
25 The district terminated Austin’s employment effective March 31, 2017 for policy
26 violations related to her conduct.

27
28 **CONCLUSIONS OF LAW**

29 Kathy D. Austin’s conduct, as described above, constitutes Gross Neglect of Duty in
30 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
31 0010(2) (*Encourage scholarship*), OAR 584-020-0010(5) (*Use professional judgment*),

1 OAR 584-020-0015(2)(a) (*Use of state and district adopted curriculum and goals*); OAR
2 584-020-0020(2)(c) (*Procedures for evaluating curriculum and instructional goals and*
3 *practices*), OAR 584-020-0025(2)(c) (*Using and maintaining student records as required*
4 *by federal and state law and district policies and procedures*), OAR 584-020-0025(2)(e)
5 (*Using district lawful and reasonable rules and regulations*), OAR 584-020-0040(4)(c)
6 (*Falsification of any document or knowing misrepresentation directly related to licensure,*
7 *employment, or professional duties*), and OAR 584-020-0040(4)(o) as it incorporates OAR
8 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the*
9 *law, exemplifying personal integrity and honesty*).

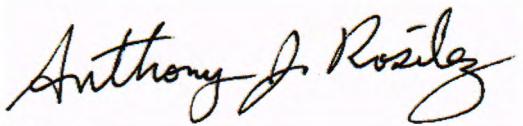
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11 The Commission's authority to impose discipline in this matter is based upon ORS
12 342.175.

13 **FINAL ORDER**

14 The Commission hereby issues a Public Reprimand upon Kathy D. Austin's Oregon
15 educator licensure.

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18 IT IS SO ORDERED THIS 5th day of December, 2019.

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20 TEACHER STANDARDS AND PRACTICES COMMISSION

21 By: 
22 Dr. Anthony Rosilez, Executive Director
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26 **NOTICE OF APPEAL OR RIGHTS**

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28 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
29 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
30 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
31 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.