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BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

Teacher Standards &
Practices Commission

OF THE STATE OF OREGON

In the Matter of the) STIPULATION OF FACTS
) AND FINAL ORDER OF
Educator License of) SURRENDER, SUSPENSION
BETH LEE DEVOGELE) AND PROBATION

On October 22, 2018, the Teacher Standards and Practices Commission (Commission) received a report from the Gladstone Police Department indicating Beth DeVogele (DeVogele) may have committed an act of gross neglect of duty and/or gross unfitness, by engaging in unwanted, offensive physical contact with multiple students at the Kraxberger Middle School.

After review of the matters alleged, DeVogele and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the acceptance of DeVogele’s surrendered Oregon educator license, the imposition of a one year suspension, and a period of probation upon reinstatement of DeVogele’s Oregon educator license.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. DeVogele 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, DeVogele waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

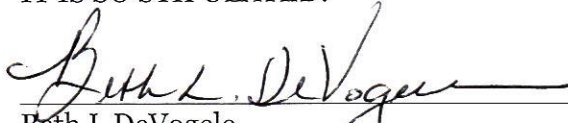
By signing below, DeVogele acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Surrender, 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 DeVogele 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

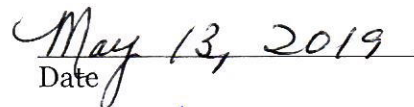
1 representation has been made to induce her to sign this Stipulation and Final Order; and
2 (vii) she has consulted with an attorney regarding this Stipulation and Final Order and
3 has been fully advised with regard to her rights thereto, or waives any and all rights to
4 consult with an attorney prior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


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7 **STIPULATION OF FACTS**

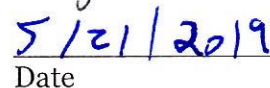
- 8 1. The Commission has licensed DeVogele since July 8, 1977. DeVogele's Substitute
9 Teaching License, with an endorsement in Substitute Any Specialty (PP-12), is
10 valid from June 15, 2018 through July 4, 2021. During all relevant times,
11 DeVogele was employed by the Gladstone School District (GSD) as a substitute
12 teacher at Kraxberger Middle School.
- 13 2. On October 22, 2018, the Commission received a report from the Gladstone
14 Police Department indicating that on October 4, 2018, DeVogele had engaged in
15 unwanted, offensive physical contact with multiple students while employed as
16 an educator at the Kraxberger Middle School. Investigation determined that
17 district staff received reports of DeVogele yelling at students, aggressively and
18 physically directing students, and that DeVogele had thrown a water bottle at a
19 student in her classroom, missing the student and hitting another student's chair.
20 GSD had you removed from their substitute teacher list for violation of district
21 policies related to your conduct.
- 22 3. On December 24, 2018, criminal charges were filed in the Clackamas County
23 Circuit Court. On April 29, 2019, you plead guilty to one count of Harassment,
24 ORS 166.065(3), a class B misdemeanor. As part of your plea agreement you
25 agreed to surrender your teaching license until July 1, 2020.

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27 IT IS SO STIPULATED:

28 
29 _____
30 Beth L DeVogele



31 
32 _____
33 Trent Danowski, Deputy Director
34 Teacher Standards and Practices Commission



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CONCLUSION OF LAW

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)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(a) (*Establishing and maintaining classroom management that is conducive to learning*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*), OAR 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff, parents, and other patrons*); and 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250*).

The conduct described in section three (3) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-010(5) (*Use professional judgement*). The conduct described in section three above also constitute gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means*).

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, accepts the surrender of Beth Lee DeVogele’s Oregon educator license and imposes a one (1) year suspension upon Beth Lee DeVogele’s Oregon educator license as follows:

Beth Lee DeVogele’s Oregon educator license is hereby suspended for one (1) year following the adoption of this order.

Furthermore, the Commission imposes a two (2) year period of probation upon DeVogele to commence upon reinstatement of her Oregon educator license and subject to the following terms and conditions of probation:

1 1. DeVogele shall comply with the Standards for Competent and Ethical
2 Performance of Oregon Educators under Oregon Administrative Rules
3 Chapter 584, Division 020.

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

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10 Issued and dated this 19th day of July, 2019.

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

13
14 By  _____

15 Dr. Anthony Rosilez, Executive Director

CERTIFICATE OF MAILING

On July 22, 2019, I mailed the foregoing Stipulation of Facts and Final Order of Surrender, Suspension and Probation to:

By: U.S. First Class Mail and Certified Mail Return Receipt Requested 7018 1830 0001 6178 3895

Beth Lee DeVogele
4225 Cornwall Street
West Linn, OR 97068

By: U.S. First Class Mail


Nora J. Broker, Attorney at Law
Bennett and Hartman Attorneys at Law, LLP
210 SW Morrison Street, Suite 500
Portland, OR 97204-3149

Bob Stewart, Superintendent
Gladstone School District
17789 Webster Rd
Gladstone, OR 97027

Lee Gilliam, Police Officer/SWAT/SRO
Gladstone Police Department
535 Portland Avenue
Gladstone, OR 97027

By: Shuttle

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Senior Assistant Attorney General
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1162 Court Street NE
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Patty Sheldon
Investigative Assistant