

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

3
4 In the Matter of the Educator License of) DEFAULT ORDER OF
5 ANTHONY RYAN SHANK) SUSPENSION OF LICENSE
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8 On December 31, 2019, the Teacher Standards and Practices Commission
9 (Commission) issued a Notice of Opportunity for Hearing to Anthony Shank (Shank) in
10 which the Commission charged him with Gross Neglect of Duty. The Notice was sent via
11 U.S. First Class Mail and U.S. Certified Mail Receipt 7018 1830 0001 6178 7046 to the
12 address on file with the Commission. The Notice designated the Commission file as the
13 record for purposes of proving a prima facie case. The Certified Mail was not returned to the
14 Commission marked “Forward Time Expired Return to Sender”. The regular, first class mail
15 was not returned to the Commission, and assumed to have been delivered. The Notice of
16 Opportunity of Hearing, dated December 31, 2019, and signed by Anthony Rosilez,
17 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 A HEARING, FAIL TO APPEAR AT A HEARING, OR
23 NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT A 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.”
27

28 Shank contacted Commission staff and discussed his options. After some consideration,
29 Shank advised Commission staff that he did not want a hearing and preferred to default.
30 The Commission, therefore, finds Shank to be in default and enters the following findings of
31 fact, conclusions of law, and final order, based on the files and records of the Commission
32 concerning this matter.

33 **FINDINGS OF FACT**

- 34 1. Anthony Shank has been licensed by the Commission since December 8, 2015.
35 Shank holds a Preliminary Teaching License, with an endorsement in Special
36 Education: Generalist (PK-12), valid from June 8, 2017, through July 17, 2020.

1 During all relevant times, Shank was employed by the David Douglas School District
2 (DDSD) as a substitute teacher.

- 3
- 4 2. On December 4, 2018, the Commission received a report from the DDSD indicating
5 Shank, had engaged in excessive physical contact with a non-compliant middle
6 school student.
- 7
- 8 3. Investigation determined that on November 28, 2018, Shank was providing
9 substitute teaching services at the Floyd Light Middle School. At approximately 12:50
10 p.m., a student, who was not assigned to Shank’s classroom, entered Shank’s
11 classroom and became disruptive. The student ignored Shank’s attempts to redirect
12 his behavior and refused to leave the classroom as directed. Shank grabbed the
13 student by the arm and led him towards the door. The student began to resist, so
14 Shank took a firmer grip and pulled the student into the hallway. In the hallway, the
15 student yelled “Get your hands off me” and pulled away. Shank then grabbed the
16 student by the front of his clothing. Another teacher, who observed the incident,
17 directed Shank to release the student, which Shank did immediately. Review of the
18 video coverage confirmed the details of the incident.
- 19 It was determined that Shank’s conduct violated district policies and as a result the
20 DDSD removed Shank from their substitute teaching list.

21 **CONCLUSIONS OF LAW**

22 Shank’s conduct described in sections two (2), and three (3) above constitutes gross
23 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
24 incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-
25 0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(e) (*Using district*
26 *lawful and reasonable rules and regulations*), and 584-020-0040(4)(d)(*Unreasonable*
27 *physical force against students, fellow employees, or visitors to the school, except as*
28 *permitted under ORS 339.250*).

29


30 The Commission’s authority to impose discipline in this matter is based upon ORS
31 342.175.

1 **FINAL ORDER**

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3 The Commission hereby suspends Anthony R. Shank’s licensure for a period of thirty
4 (30) days, to begin upon the date this order is signed and in effect. Furthermore, within
5 ninety days of the date of this order, the Commission requires Shank to provide proof of
6 successful completion of approved training in the area of classroom management.
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9 IT IS SO ORDERED THIS 29th day of January, 2020.

10 TEACHER STANDARDS AND PRACTICES COMMISSION

11 By: 
12 Dr. Anthony Rosilez, Executive Director
13
14

15 **NOTICE OF APPEAL OR RIGHTS**

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