

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 PUBLIC  
5   License of    )     REPRIMAND  
6   DARRELL E. YOUNT                                 )

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9           On August 30, 2021, the Teacher Standards and Practices Commission (Commission)  
10 issued a Notice of Opportunity for Hearing to Darrell E. Yount (Yount) in which the  
11 Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First  
12 Class Mail and U.S. Certified Mail Receipt 7021 0350 0000 8183 7964 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 first-class mail was not returned to the Commission and  
15 assumed delivered. The Notice of Opportunity of Hearing, dated August 30, 2021, and  
16 signed by Anthony Rosilez, Executive Director, stated:

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

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27   Yount did not request a hearing, and initially engaged TSPC legal staff in settlement talks.  
28   However, after talks stalled, Yount sent an email to TSPC Deputy Director Trent Danowski  
29   on December 12, 2022 in which Yount indicated he wished to surrender his teaching license.  
30   TSPC staff reached out to Yount via phone after receipt of this email and left a voicemail  
31   requesting a call back. As of this writing of this order, Yount has not contacted TSPC. The  
32   Commission, therefore, finds Yount to be in default and enters the following findings of fact,  
33   conclusions of law, and final order, based on the files and records of the Commission  
34   concerning this matter.

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36   **FINDINGS OF FACT**

- 37   1. The Commission has licensed Yount since September 17, 2015. Yount holds a  
38   Preliminary Teaching License, with an endorsement in Physical Education (PK-12),

1 valid from November 15, 2018 through November 25, 2021. During all relevant  
2 times, Yount was employed by the Jefferson County School District (JCSD).

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4 2. On April 15, 2019, the Commission received a misconduct report from the JCSD  
5 alleging misconduct against Yount. The report alleges that on February 15, 2019,  
6 Yount was observed on video surveillance and by several staff grabbing the arm of a  
7 second-grade Special Education (SPED) student and dragging him approximately 45  
8 feet across the gymnasium.

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10 3. Investigation by JCSD and the Warm Springs Police Department (WSPD)  
11 determined that on February 15, 2019, Yount grabbed second grade SPED student  
12 RMJ by the arm because he was off task and was not engaged in the class activity.  
13 Video and witness testimony document that Yount grabbed RMJ near his wrist and  
14 dragged him across the gymnasium floor until he was several feet away from the  
15 activity the other students were trying to engage in. The distance Yount dragged  
16 RMJ was approximately 45 feet. WSPD charged Yount with Harassment and Yount  
17 pled “no- contest” in the Warm Springs Confederated Tribal Court receiving a  
18 \$7500.00 fine, one-year civil probation, and a no-contact order against RMJ. JCSD  
19 issued Yount a formal reprimand and suspended him for five days without pay.

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21 4. On April 19, 2021, Yount interviewed with Commission investigative staff. Yount  
22 reported that on February 15, 2019, when this incident occurred, he was  
23 experiencing “walking pneumonia.” Yount stated that he felt that his sickness  
24 contributed to making such an impulsive decision to drag RMJ across the gym floor.  
25 Yount reported that RMJ was having a bad day and would not participate in the  
26 parachute activity the class was doing. Yount stated that RMJ was being difficult and  
27 disruptive. Yount reported that he had redirected and warned RMJ several times to  
28 stop his behavior. Yount reported at one point, RMJ became trapped under the  
29 parachute due to his behavior and this caused him to have grab RMJ by the hand  
30 and drag him away from the activity and other students. Yount reported that at no  
31 time did he think he was hurting RMJ and stated that he believed he was smiling and  
32 enjoying being pulled across the floor. Yount reported that he was not angry, or

1 acting out of anger, and stated that he did not think his actions were unsafe. Yount  
2 reported that he realized he acted in a manner outside of his SPED training and  
3 acknowledge that he should have asked another staff member to assist him in getting  
4 RMJ out from under the parachute. Yount ended the interview by apologizing to the  
5 Commission and stated that he hopes to continue teaching.  
6

7 **CONCLUSIONS OF LAW**

8 The conduct described in sections two (2), and three (3) above constitutes gross  
9 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
10 incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-  
11 0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(e) (*Using*  
12 *district lawful and reasonable rules and regulations*); and 584-020-  
13 0040(4)(d) (*Unreasonable physical force against students, fellow employees, or*  
14 *visitors to the school, except as permitted under ORS 339.250*).  
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16 The Commission’s authority to impose discipline in this matter is based upon ORS  
17 342.175.  
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19 **FINAL ORDER**

20 The Commission hereby issues a public reprimand upon Darrell E. Yount’s Oregon  
21 educator license.  
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23 IT IS SO ORDERED THIS 12 day of January, 2023.

24 TEACHER STANDARDS AND PRACTICES COMMISSION

25 By:   
26 Dr. Anthony Rosilez, Executive Director  
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NOTICE OF APPEAL OR RIGHTS

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