

1 During all relevant times, Weaver was employed with the Multnomah Education
2 Service District (MESD).

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- 4 2. On November 18, 2021, the Commission received information from the Oregon
5 Department of Human Service (DHS) reporting allegations Weaver had engaged
6 in conduct that may be considered gross neglect of duty and/or gross unfitness.
7 Specifically, DHS reported that on November 8, 2021, Weaver pushed a student
8 to the floor in his classroom at Wheatley School.

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10 On December 2, 2021, the Commission received a misconduct report from the
11 MESD reporting allegations Weaver had engaged in conduct that may be
12 considered gross neglect of duty and/or gross unfitness. Specifically, the MESD
13 reported that on November 8, 2021, Weaver violated district policies and failed to
14 follow a student's individual education program and support plan during an
15 altercation with a student in Weaver's classroom. The MESD alleged Weaver
16 escalated the situation with the student and used unreasonable physical force
17 when pushing the student to the floor in Weaver's classroom at Wheatley School.

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- 19 3. Investigation found that late in the morning on November 8, 2021, Weaver was
20 working at his desk in his classroom at Wheatley School when a special needs
21 student became disruptive with an educational assistant. Weaver moved towards
22 the student to intervene, and the student struck with their hand, Weaver's face.
23 Weaver grabbed the student's arms, forcefully directed the student towards a
24 wall, and then forcefully pushed the student backwards causing the student to fall
25 to the floor. The intervention continued with the student attempting to strike
26 Weaver and then striking the educational assistant. Eventually, Weaver grabbed
27 the student's arm, pinned it against the student's chest, and with the other arm
28 forcefully and hastily directed the student outside the classroom.

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30 **CONCLUSIONS OF LAW**

31 Matthew M. Weaver's conduct as described in section three (3) above constitutes
32 gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it

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

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

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10 **FINAL ORDER**

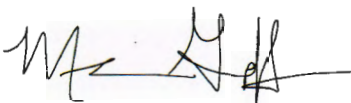
11 The Commission adopts and incorporates herein the above findings of fact and
12 conclusions of law, and based thereon, imposes a Suspension of one (1) year upon
13 Matthew M. Weaver's Oregon educator license.

14 Furthermore, the Commission imposes a period of four (4) years of probation
15 upon Weaver's licensure to commence from the date the Weaver's license is reinstated
16 by the Commission and subject to the following conditions:

- 17 1. Weaver shall comply with the Standards for Competent and Ethical Performance
18 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division
19 020.
- 20 2. Weaver shall successfully complete a Commission approved training course on
21 de-escalation and provide evidence to the Commission of such training prior to
22 reinstatement.

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24 IT IS SO ORDERED THIS 5 day of December, 2023.

25
26 TEACHER STANDARDS AND PRACTICES COMMISSION

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30 By: _____

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32 Melissa Goff, Interim Executive Director
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NOTICE OF APPEAL OR RIGHTS

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