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

In the Matter of the) STIPULATION OF FACTS AND
Educator License of:) FINAL ORDER OF SUSPENSION
)
STEVEN DANIEL LUBY)

On or about April 20, 2012, the Commission received a patron complaint indicating Steven Luby may have committed acts which constitute gross neglect of duty.

After review of the matters alleged, Luby and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and a 30 day suspension of Luby's teaching license in the State of Oregon, and requiring Luby to successfully complete a sensitivity training course approved by the Commission.

By signing below, Luby acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his 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 Suspension (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 Luby nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he 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) he states that no promise or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS

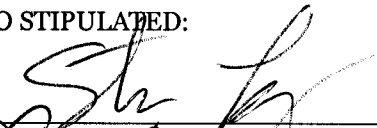
1. Luby has been licensed by the Commission since July 30, 1990. Luby holds a Standard Teaching License issued October 5, 2007, with endorsements in Basic Health Education (018), Basic Physical Education (018), and Basic Social Studies

- 1 (020), which was set to expire on November 27, 2012. Luby made timely application
2 for renewal on October 15, 2012, and his license status was changed to “expiration
3 pending” until this case was resolved. During all relevant times, Luby was employed
4 by the Vale School District.
- 5 2. On or about September 1, 2011, student athlete SD presented a medical restriction,
6 restraining him from lifting weights, practicing or playing football until medically
7 released. Luby’s rules as head coach required all players (including injured /
8 restricted) to attend practice and games if only to observe. On or about September 5,
9 2011, SD’s parent observed SD participating in practice in violation of the medical
10 restrictions. SD told his parent that Luby told SD he was letting down the team and
11 should be practicing.
- 12 3. On or about September 8, 2011, student athlete AT was injured (torn ACL) in a
13 football game. AT’s parent advised that Luby failed to provide adequate attention to
14 AT at the time of the injury. AT provided Luby with a medical note from his doctor
15 restricting him from practice and games. AT and his parent allege Luby harassed AT
16 about his injury and pressured AT into standing at practice further aggravating his
17 injury.
- 18 4. On or about September 18, 2011, student athlete CR was injured and provided a
19 medical excuse restricting him from physical activities. CR and his parent allege Luby
20 encouraged CR to practice regardless of his injury. Luby spoke with CR’s parent and
21 told her that CR would not participate in practice. When CR’s parent arrived at
22 practice, she learned that CR had been fully suited up and had been placed into
23 practice regardless of his injuries. Luby later informed CR’s parent that he failed to
24 inform the other coaching staff that CR was not to participate in practice.
25 Participating in practice aggravated CR’s injuries, and he was later taken to the
26 hospital for treatment.
- 27 5. On or about September 9, 2011, student athlete DP was injured in a football game
28 where Luby was head coach. DP exhibited signs of being injured: slow moving,
29 crying, head ache, and dilated pupils. Patrons reported they could observe that DP
30 was seriously injured from the stands. DP’s parents allege Luby disregarded DP’s
31 injury for the sake of the game, endangering DP’s health. DP sought medical
32 attention after the game and was diagnosed with a concussion and was restricted
33 from physical activities for over five weeks. DP reports that after his return to football
34 practice, he had his testicles stepped on during practice. While he was recovering

1 from this injury Luby belittled him by yelling, "Are you going to be out for another
2 five weeks!
3 6. Multiple patrons and students allege that during Luby's tenure as a coach, Luby
4 regularly belittled student athletes, disregarded injuries, endangered students'
5 health, and used inappropriate language while yelling at students. For example,
6 telling student athletes "You guys need to get your heads out of your asses" after a
7 sporting event, or by telling students they were "stupid, worthless mama's babies"
8 who Luby would not allow them to make him look bad. Multiple patron complaints
9 regarding Luby's aggressive and inappropriate behavior, and Luby's disregard for
10 student health, were filed with the school.


11

12 IT IS SO STIPULATED:

13 
14 _____
15 Steven Daniel Luby

5-19-15

Date

16 
17 _____
18 Victoria Chamberlain, Executive Director
19 Teacher Standards and Practices Commission

6-25-15

Date

20 **CONCLUSIONS OF LAW**

21 1. By engaging in the conduct in paragraph 2 to 6, Luby committed Gross Neglect of
22 Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
23 OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect*
24 *for each individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR
25 584-020-0020(1)(d) (*Skill in the supervision of students*), OAR 584-020-0025(1)
26 (*The competent educator is a person who understands students and is able to relate*
27 *to them in constructive and culturally competent ways. The competent educator*
28 *establishes and maintains good rapport. The competent educator maintains and*
29 *uses records as required, and as needed to assist the growth of students*), OAR 584-
30 020-0030(1) (*The competent educator works effectively with others -- Students,*
31 *staff, parents, and patrons. The competent educator is aware of the ways the*
32 *community identifies with the school, as well as community needs and ways the*

1 school program is designed to meet these needs. The competent educator can
2 communicate with knowledge, clarity, and judgment about educational matters,
3 the school, and the needs of students), OAR 584-020-0030(2)(b) (Skill in
4 communicating with administrators, students, staff, parents, and other patrons);
5 and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D)
6 (Honoring appropriate adult boundaries with students in conduct and
7 conversations at all times).

8 **ORDER**

- 9 1. Based on the foregoing, the Commission hereby suspends Mr. Luby's teaching
10 license for 30 days beginning the date that this order is signed by the Executive
11 Director below.
- 12 2. In addition to compliance with any Commission rule regarding license
13 reinstatement, Luby must successfully complete a sensitivity training course,
14 subject to approval by the Commission.

15 Issued and dated this 25th day of June, 2015.

17 **TEACHER STANDARDS AND PRACTICES COMMISSION**
18 **STATE OF OREGON**

19 By 
20 _____
21 Victoria Chamberlain, Executive Director