1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7	In the Matter of the Educator) DEFAULT ORDER OF License of) PUBLIC REPRIMAND DEBORAH KAY GRAVES)
8 9	On December 28, 2015, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Deborah Kay Graves (Graves)
11	in which the Commission charged her with Gross Neglect of Duty. The Notice was sent via
12	U.S. First Class Mail and U.S. Certified Mail Receipt 7015 0640 0007 1084 6090 to the
13	address on file with the Commission. The Notice designated the Commission file as the
14	record for purposes of proving a prima facie case. The Certified Mail receipt was returned to
15	the Commission "signed" on January 2, 2016. The first class mail was not returned to the
16	Commission. The Notice of Opportunity of Hearing, dated December 28, 2015, and signed
17	by Victoria Chamberlain, Executive Director, stated:
18 19 20 21 22 23 24 25	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
26	Graves did not request a hearing. The Commission, therefore, finds Graves to be in default
27	and enters the following findings of fact, conclusions of law, and final order, based on the
28	files and records of the Commission concerning this matter.
29	FINDINGS OF FACT
30	1. Graves has been licensed by the Commission since July 1, 1975. Graves held a Basic
31	Teaching License, with endorsements in Basic Elementary (014) and Basic
32	Mathematics (019), valid from October 29, 2012, through October 28, 2015. During
33	all relevant times, Graves was employed by the High Desert Education Service
34	District as a substitute teacher.
35	2. On January 30, 2014, the Commission received a report from the High Desert Education
36	Service District (HDESD) alleging Graves violated professional standards and practices.

Subsequent investigation determined that on November 4, 2013, Graves was substitute teaching at Cascade Middle School. Witnesses stated Graves responded to a question by student JM by raising her voice, grabbing JM by the hood of his sweatshirt, pulling him from his seat, and directing him by the hood to face a classroom window. Graves used the window as a way to answer JM's question (regarding parallel lines, parallelograms, or angles) and then slammed her hand on the wall or nearby window blinds. JM and other students were scared by Graves' behavior and felt uncomfortable in her classroom. During an interview with the school Principal, Graves admitted she should not have touched JM in that manner. Both the school district's and the Commission's investigations determined Graves' use of force on the involved student to be excessive, inappropriate, and in violation of local policy. Commission investigators made multiple attempts to schedule interviews with Graves regarding the allegations. Ultimately Graves failed to cooperate with investigators and failed to participate in any interviews as required.

CONCLUSIONS OF LAW

Deborah Kay Graves engaged in unprofessional conduct as described above. This conduct 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(1) (Recognize the worth and dignity of all persons and respect for each individual), OAR 584-020-0010(5) (Use professional judgment), 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 584-020-0040(4)(d) (Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250); and OAR 584-020-0040(4)(p) (Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation).

The Commission's authority to impose discipline in this matter is based upon ORS

342.175.

1	FINAL ORDER
2	The Commission hereby issues a Public Reprimand upon Deborah Kay Graves'
3	Oregon educator license.
4	
5 6 7	IT IS SO ORDERED THIS 29 day of February, 2016.
8	
9	TEACHER STANDARDS AND PRACTICES COMMISSION
	Exteria Chamberlain
0	By:
1	Victoria Chamberlain, Executive Director
2 3	
3	NOTICE OF APPEAL OR RIGHTS
4	
5	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
6	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
7	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
8	PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Deborah Kay Graves 20015 McClellan Rd Bend, OR 97702-2006

Dated this 29 day of February, 2016.

Patry Sheldon

Investigative Assistant