BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND 4 FINAL ORDER OF REPRIMAND AND Teaching License of: 5 **DEANNA M. SHEPHERD** 6 On or about July 20, 2007, the Teacher Standards and Practices Commission 7 (Commission) received a report indicating that Ms. Shepherd may have engaged in conduct 8 constituting gross neglect of duty. The Commission charged Ms. Shepherd with gross neglect of duty and issued a Notice 9 10 of Opportunity for Hearing on July 1, 2009. After review of the matters alleged, Ms. Shepherd 11 and the Commission agree that their respective interests, together with the public interest, are 12 best served by a stipulation to certain facts, the imposition of a public reprimand and probation. 13 By signing below, Ms. Shepherd acknowledges, understands, stipulates, and agrees to 14 the following: (i) she has been fully advised of her rights to notice and a hearing to contest the 15 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 16 17 Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public 18 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 19 20 Commission does not approve and adopt this Stipulation and Final Order, then neither Ms. 21 Shepherd nor the Commission are bound by the terms herein; (iv) she has fully read this Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any force 22 23 or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the 24 Stipulated Final Order below; (vi) she states that no promises or representation has been made 25 to induce her to sign this Stipulation and Final Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to her 26 27 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. This 1 2 Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. In entering into this stipulation, Ms. Shepherd waives the right to a hearing to contest the 3 4 findings of fact, conclusions of law and order set forth below. 5 STIPULATION OF FACTS The Commission first licensed Ms. Shepherd on June 3, 1986. Ms. Shepherd 6 1. 7 holds a basic teaching license with an expiration date of July 21, 2009. Ms Shepherd timely applied for renewal of the license. On or about April 27, 2007, Ms. Shepherd squeezed student 8 TA's arms as she walked with him. Red marks were observed on TA's arms. During this 9 incident, Ms. Shepherd was upset and on the verge of tears. The red marks were not visible by 10 11 the principal in the afternoon. 12 On or about September 9, 2007 Principal Dawn Smith came into Ms. 2. Shepherd's room after hearing harsh tones directed at a student coming from her class. She 13 found a student sitting on the floor crying as Ms. Shepherd carried on her other duties. 14 On or about October 10, 2007, Principal Dawn Smith came into Ms. Shepherd's 15 3. 16 room after hearing crying. She found a student on the floor crying while Ms. Shepherd continued with a reading group. Twenty minutes later, Principal Smith found another student 17 under a table crying as Ms. Shepherd carried on with other tasks. She removed the student 18 from Ms. Shepherd's class. The showed signs of physical distress including sobbing, 19 20 hiccupping, sweating, and difficulty with speech. 21 22 IT IS SO STIPULATED AND AGREED TO: January 20, 2010 Date 2 21-10 Seb. 1, 2010 23 24 Deanna M. Shepherd 25 26 Victoria Chamberlain, Executive Director 27

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Teacher Standards and Practices Commission

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1 **CONCLUSIONS OF LAW** 2 1. Ms. Shepherd's conduct described in paragraph 1 constitutes gross neglect of 3 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(d)(unreasonable physical force); 4 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1)(Recognize the worth and 5 dignity of all persons and respect for each individual); OAR 584-020-0025(2)(a)(Establishing 6 and maintaining classroom management that is conducive to learning); OAR 584-020-7 0030(2)(b)(Skill in communicating with students); OAR 584-020-0010(5)(Use professional 8 judgment). 9 2. Ms. Shepherd's conduct described in paragraphs 2 and 3 constitutes gross 10 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 11 OAR 584-020-0010(1)(Recognize the worth and dignity of all persons and respect for each 12 individual); OAR 584-020-0025(2)(a)(Establishing and maintaining classroom management that 13 is conducive to learning); OAR 584-020-0030(2)(b)(Skill in communicating with students); OAR 14 584-020-0010(5)(Use professional judgment). 15 3. The Commission has the authority to impose discipline in this matter under ORS 16 342.120 through 342.430 and OAR Chapter 584. 17 18 **FINAL ORDER** 19 The Commission adopts and incorporates herein the above finding of facts, conclusions of law, and based thereon, imposes a Public Reprimand on Deanna M. Shepherd. 20 21 This Order shall serve as the Public Reprimand. Ms. Shepherd will be placed on probation for 22 two years beginning with the date this order is issued, subject to the following conditions: 23 1. Ms. Shepherd shall at her own expense attend and complete a classroom

management course focused on redirecting students toward positive behavior by a provider

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subject to approval of the Commission;

•	2. Mis. Shepherd shall report in whiting within ten days to the Executive Director of the
2	Commission any incident involving anger toward any student and any arrest or citation for any
3	felony, misdemeanor, major traffic violation or criminal probation; and
4	3. Ms. Shepherd shall comply with the Standards for Competent and Ethical
5	Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division
6	020. Violation of any term or condition of probation shall constitute an independent basis for the
7	Commission to revoke Ms. Shepherd's teaching license or otherwise impose discipline, after
8	first providing Ms. Shepherd with notice and opportunity for hearing.
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10	Issued and dated this 6 day of Nevember, 2009.
11 12	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
13 14 15	By Wictoria Chamberlain, Executive Director
16 17 18 19	Approved/as to form: Heidi Brown Attorney for Deanna Shepherd

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