1 2 3		BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISS OF THE STATE OF OREGON	ON	
4	In	In the Matter of the DEFAULT ORDER OF	?	
5		Teaching License of) REVOCATION OF		
6	BE	BENJAMIN RALPH BLIESNER) LICENSURE		
7 8		On September 14, 2011, the Teacher Standards and Practices Commission (Commission)		
9	iss	issued a Notice of Opportunity for Hearing to Benjamin Ralph Bliesner (Bliesner)	in which the	
10	Co	Commission charged him with Gross Neglect of Duty pursuant to ORS 342.175(1)(b); OAR 584-		
11	02	020-0040(4)(n) as it incorporates OAR 584-020-0010(5), OAR 584-020-0010(1), OAR 584-		
12	020	020-0040(4)(d), OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-003.	5(1)(c)(D), and	
13	OA	OAR 584-020-0040(4)(e). The Notice was sent via U.S. First Class Mail and U.S	Certified Mail	
14	Re	Receipt 7010 2780 0000 2187 6867 to the address on file with the Commission. If	Bliesner signed	
15	for	for the Certified Mail on September 15, 2011. The Notice of Opportunity of Hearing, dated		
16	September 14, 2011, and signed by Victoria Chamberlain, Executive Director, stated:			
17 18 19 20 21 22 23 24	"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."			
2 4 25	Bli	Bliesner did not request a hearing. The Commission, therefore, finds Bliesner to be in default		
26	ane	and enters the following findings of fact, conclusions of law and order, based on the	ne files and	
27	rec	records of the Commission concerning this matter.		
28		FINDINGS OF FACT		
29	1.	1. Bliesner has been licensed as a teacher in Oregon since August 23, 2000. Blie	sner's current	
30		Five-Year Career and Technical Teaching License, with an authorization in Ma		
31		Technology, issued on December 22, 2008, is valid until December 21, 2013.		
32				
	_		relevant times, Bliesner was employed by the Colton School District.	
33	2.	On November 18, 2009, Bliesner struck a student on the chest with his fist, and pushed him		
34		with his fist. During this contact Bliesner told the student, "Quit screwing are		
35	3.	3. On November 24, 2009 Bliesner told his Principal that he taps students on th		
36		students in the sternum, elbowed a student several times, grabbed students as	ound the	

- shoulders and lower neck, and had stated, "You deserve a punch in the gut for that," and that he had tapped a student on the head.
- Juring the week of September 21, 2009, Bliesner called a student "24" after explaining that
 someone with 24 chromosomes meant they were retarded.
- 5 5. During the 2009-2010 school year other incidents were reported of Bliesner making
- 6 inappropriate comments to students, utilizing force to maintain order and his classroom,
- 7 using physical exercise as punishment, and other inappropriate means of dealing with
- 8 student behavioral issues.

9 CONCLUSIONS OF LAW

Benjamin Ralp Bliesner's conduct as described in #2 above 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(5) (Use professional judgment), OAR 584-020-0010(1) (Recognize the worth and dignity of all persons and respect for each individual); and 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).

Bliesner's conduct as described in #3 above 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 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times); and 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).

Bliesner's conduct as described in #4 above 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); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times).

Bliesner's conduct as described in #5 above 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 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and

1	conversations at all times), OAR 584-020-0040(4)(d) (Unreasonable physical force against
2	students, fellow employees, or visitors to the school, except as permitted under ORS 339.250),
3	and OAR 584-020-0040(4)(e) (Violent or destructive behavior on school premises or at a
4	school-sponsored activity).
5	The Commission's authority to impose discipline in this matter is based upon ORS
6	342.175.
7	FINAL ORDER
8	The Commission hereby revokes Benjamin Ralph Blisner's Five Year Career and
9	Technical Teaching license.
10	IT IS SO ORDERED THIS 2010 day of November, 2011.
11	TEACHER STANDARDS AND PRACTICES COMMISSION
12 13 14 15 16	By: <u>January</u> <u>January</u> Victoria Chamberlain, Executive Director
18 19 20	NOTICE OF APPEAL OR RIGHTS
21 22 23 24	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.

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:

Benjamin Ralph Bliesner PO Box 205 Rhododendron OR 97049

Dated this _____day of November, 2011.

Melody Hanson

Executive Assistant