1 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
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4 5	In the Matter of the Educator) DEFAULT ORDER OF License of PUBLIC REPRIMAND
6	License of) PUBLIC REPRIMAND TIM BOWMAN) AND PROBATION
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8 9	On November 28, 2016, the Teacher Standards and Practices Commission
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	(Commission) issued a Notice of Opportunity for Hearing to Tim Bowman (Bowman) in
11	which the Commission charged him with Gross Neglect of Duty. The Notice was sent via
12	U.S. First Class Mail and U.S. Certified Mail Receipt 7016 0750 0000 2419 0426 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
15	"Signed" to the Commission on December 2, 2016. The first class mail was not returned to
16	the Commission and presumed delivered. The Notice of Opportunity of Hearing, dated
17	November 28, 2016, and signed by Monica Beane, then 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	On December 19, 2016, Bowman requested a hearing through his counsel. On March 2,
27	2017, Bowman's attorney withdrew her representation of Bowman. On April 11, 2017,
28	Bowman's case was referred to the Office of Administrative Hearings for a contested case
29	hearing. A pre-hearing was scheduled and held on May 24, 2017. Bowman did not
30	participate. The hearing was held at the Salem OAH offices on November 28, 2017, Bowman
31	did not appear. Administrative Law Judge Allen declared the hearing a default. The
32	Commission, therefore, finds Bowman to be in default and enters the following findings of
33	fact, conclusions of law, and final order, based on the files and records of the Commission
34	concerning this matter.
35	FINDINGS OF FACT
36	1. Bowman has been licensed by the Commission since June 14, 1982. Bowman
37	holds a Standard Teaching License, with endorsements in Basic Health

Education (018) and Standard Physical Education (018), valid from October 19, 2014, through October 18, 2019. During all relevant times, Bowman was employed by the Portland Public School District.

- 2. On September 22, 2015, the Commission received a report from the Oregon Department of Human Services (DHS) alleging that Bowman physically grabbed a student by his shirt, leaving a visible mark on the student's neck area. On February 16, 2016, the Commission received a report from Portland Public Schools indicating that Bowman may have violated professional standards, specifically, being overly aggressive and striking a gym door near a student's head, causing the door's window to break. A confrontation with the student occurred shortly thereafter. Subsequent investigation determined the following events occurred:
 - a. On September 18, 2015, student SBL complained that Bowman had grabbed SBL by his shirt as he was running past Bowman during an indoor soccer game. SBL reported that Bowman grabbed him by his shirt, pulled him close to Bowman's face and yelled at him to calm down. SBL reported that Bowman pulling him by his shirt resulted in leaving a mark on SLB's neck that caused him discomfort. On October 2, 2016, the district issued Bowman a letter of concern and expectations for violating student discipline policy.
 - b. On February 9, 2016, while students were lined up waiting for the gym doors to be opened, student EWK was banging on the door. Bowman approached the door from the student side and struck the door or window causing the window to crack. Several student witnesses stated that Bowman made a comment implying that "it was a good thing that was not somebody's head" or something similar to that effect. Soon after letting the students into the gym, EWK, while inspecting the damage to the window, locked himself out of the gym again. EWK began banging on the door for someone to let him back inside. EWK reported that Bowman opened the door, and while passing him, Bowman made physical contact with him ("bumped" him) and stated to EWK "Attitude". The student became verbal, began yelling and cursing at Bowman. This escalation caused a

significant distraction to the class and required intervention of another 1 2 teacher to diffuse the situation. On May 27, 2016, as a result of Bowman's 3 actions, the district made recommendation to discharge Bowman's 4 employment. On July 19, 2016, Bowman resigned his employment with the district. 5 **CONCLUSIONS OF LAW** 6 7 Tim Bowman engaged in unprofessional conduct as described in section 2 above. The 8 conduct in section 2(a) above conduct constitutes Gross Neglect of Duty in violation of ORS 9 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment), and OAR 584-020-0020(2)(d) (Skill in the supervision of 10 11 students). The conduct in section 2(b) above conduct constitutes Gross Neglect of Duty in 12 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-13 0010(5) (Use professional judgment), OAR 584-020-0020(2)(d) (Skill in the supervision of 14 students), OAR 584-020-0030(2)(b) (Skill in communicating with administrators, 15 students, staff, parents, and other patrons); and OAR 584-020-0040(4)(e) (Violent or 16 destructive behavior on school premises or at a school-sponsored activity). 17 18 The Commission's authority to impose discipline in this matter is based upon ORS 19 342.175. 20 FINAL ORDER 21 The Commission hereby issues a Public Reprimand upon Tim Bowman's Educator 22 licensure, and places Bowman on probation for a period of two (2) years from the date of 23 this order. This probation period is subject to the following terms and conditions: 24 1. Bowman shall comply with the Standards for Competent and Ethical Performance 25 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 26 020. 27 Violation of any term or condition of probation shall constitute an independent 28 basis for the Commission to revoke Bowman' teaching license or otherwise 29 impose discipline, after first providing Bowman with notice and opportunity for 30 hearing.

1	IT IS SO ORDERED THIS 16th day of January, 2018.
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3	TEACHER STANDARDS AND PRACTICES COMMISSION
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	By:J. Rosiles
5	By:
6	Anthony J. Rosilez, Executive Director
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8	NOTICE OF APPEAL OR RIGHTS
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10	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
11	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
12	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
13	PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.