1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7 8 9	In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION AND REVOCATION OF RIGHT TO APPLY JOANNA E. JOHNSON FOR LICENSURE
0	On December 12, 2018, the Teacher Standards and Practices Commission
1	(Commission) issued a Notice of Opportunity for Hearing to Joanna E. Johnson
12	(Johnson) in which the Commission charged her with Gross Neglect of Duty and Gross
13	Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt
14	7018 0680 0000 1028 3132 to the address on file with the Commission. The Notice
15	designated the Commission file as the record for purposes of proving a prima facie case.
16.	The Certified Mail was not returned to the Commission. The regular first class mail was
17	not returned to the Commission, and both are assumed delivered. The Notice of
18	Opportunity of Hearing, dated December 12, 2018, and signed by Anthony Rosilez,
19	Executive Director, stated:
20 21 22 23 24 25 26 27	"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."
28	Johnson did not request a hearing. The Commission, therefore, finds Johnson to be in
29	default and enters the following findings of fact, conclusions of law, and final order,
30	based on the files and records of the Commission concerning this matter.
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32	FINDINGS OF FACT
33	1. Joanna E. Johnson has been licensed by the Commission since August 8, 2016.
34	Johnson's Restricted Teaching License, valid only for Coquille School District, with
35	an endorsement in Special Education: Generalist (PK-12), was valid from August 8,
36	2016 through June 30, 2017. Johnson also held Restricted Teaching License, valid
37	only at South Umpaya School District, with an endorsement in Special Education:

Generalist (PK-12), that was valid from August 25, 2017 through June 30, 2018.

2 During all relevant times, Johnson was employed by the Coquille School District

3 (CSD).

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6 7 2. On April 6, 2017, the Commission received information from the CSD indicating Johnson may have committed acts which constitute gross neglect of duty. The district reported that on February 21, 2017, Johnson reported to work under the influence of intoxicants on school grounds.

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3. Investigation determined that on February 21, 2017, school officials were notified by staff that Johnson was incoherent and impaired in the classroom. Support staff and another licensed educator described Johnson's behavior as flustered, confused, frantic, erratic, and that Johnson appeared to be intoxicated. The same staff described Johnson's behavior and conduct as being displayed in front of students.

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A district administrator responded and contacted Johnson directly. The administrator described Johnson's behavior as "dazed", unable to formulate 17 18 thoughts, and having slurred speech. The administrator asked a law enforcement 19 officer, already at the school on other business, to assess Johnson's condition and Johnson agreed. The officer interviewed and tested Johnson. He noted Johnson had 20 21 red bloodshot watery eyes, drooping eyelids, constricted pupils, slow and slurred speech, a pale face, slow and lethargic movements, and a runny nose Johnson failed 22 23 to wipe that dripped onto her upper lip and onto the table. A Horizontal Gaze 24 Nystagmus test was conducted and Johnson showed six out of six possible clues 25 indicating intoxication. When questioned, Johnson stated that she had consumed one alcoholic beverage the night before and took regular prescribed medication(s), 26 27 including alprazolam (a Schedule IV Controlled Substance). With reasonable suspicion established, district administrators requested Johnson submit to a drug 28 29 test. After consulting with her union representative, Johnson refused to be tested 30 and was sent home on administrative leave.

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4. On February 22, 2017, Johnson reached a separation agreement with the district and resigned her employment "in lieu of termination effective February 22, 2017".

1	CONCLUSIONS OF LAW
2	Joanna Johnson's conduct described above constitutes gross neglect of duty in
3	violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
4	020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district
5	lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(g)
6	(Appearing on duty or at any district-sponsored activity while under the influence of
7	alcohol or any controlled substance).
8	alconor or any controlled buotance).
9	The Commission's authority to impose discipline in this matter is based upon
10	ORS 342.175.
11	FINAL ORDER
12	The Commission hereby revokes Joanna E. Johnson's Educator license and her
13	right to apply for licensure.
14	IT IS SO ORDERED THIS 28th day of January, 2019.
15	TEACHER STANDARDS AND PRACTICES COMMISSION
	By:
16	By:
17	Dr. Anthony Rosilez, Executive Director
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19	NOTICE OF APPEAL OR RIGHTS
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21	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
22.	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
23	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
24	ORS 183.482 TO THE OREGON COURT OF APPEALS.