

BEFORE THE TEACHIS STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the) STIPULATION OF FACTS AND
Educator License of) FINAL ORDER OF REPRIMAND
DAWN APPLGATE) AND PROBATION

On or about December 2015, the Teacher Standards and Practices Commission (Commission) received a report from the Oregon Department of Human Services (DHS) indicating Dawn Applegate (Applegate) was subject to a DHS report of possible abuse. On March 30, 2016, the Commission received a related report from the Medford School District indicating that Applegate may have committed an act of gross neglect of duty and/or gross unfitness.

After review of the matters alleged, Applegate and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a public reprimand of her Oregon educator license, followed by a four (4) year period of probation.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. Applegate stipulates that there are sufficient facts contained in the Commission's files and records to support the findings of fact and conclusions of law set forth below. In entering into this stipulation, Applegate waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

By signing below, Applegate acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest the 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 Order of Reprimand and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public 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 Commission does not approve and adopt this Stipulation and Final Order, then neither Applegate 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 or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) she states that no promise or representation has been made 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 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.

STIPULATION OF FACTS

1. The Commission has licensed Applegate since August 6, 1999. Applegate's Initial I Teaching License, with an endorsement in Multiple Subjects Self-Contained (ECE, ELE), is valid from March 12, 2015, through May 12, 2018. During all relevant times, Applegate was employed by the Medford School District.
2. On March 30, 2016, the Commission received a report from the Medford School District indicating Applegate may have committed an act of gross neglect of duty and/or gross unfitness. Specifically, Applegate physically and inappropriately forced a student to the ground.
3. Investigation determined that on December 17, 2015, Applegate escorted her classroom students to the school yard to be picked up by parents and directed them to line up. JH, a student in Applegate's classroom, was not following her direction to line up with the other students. A patron, who was present at the time of the incident, and another teacher both witnessed Applegate yelling at JH to sit down. When JH refused, Applegate placed her hands on JH's shoulders and used her calf to reach around behind JH to unlock his knees, directing JH down to a sitting position on the wet blacktop. JH almost immediately stood back up

and so Applegate escorted JH to the nearby grass area and made him sit in the grass, which was also wet. The teacher who witnessed Applegate's conduct intervened, telling Applegate, "You can't do that!" JH stood up and returned to the line of students.

Both the teacher and patron witnesses reported Applegate's conduct to school officials, providing similar accounts. An interview of JH further confirmed these reports. The district later reviewed video of the area in which the incident occurred which provided some information corroborating the reports of Applegate's conduct. On January 15, 2016, the district advised Applegate that they were seeking her dismissal. As a first year, probationary teacher, Applegate elected to resign her employment effective January 30, 2016.

4. Applegate indicated that the District had not provided training to her on changes recently enacted in Oregon related to permissible conduct involving physical restraint of students and the District did not refute this fact. Since this incident, Applegate, on her own initiative, has reviewed the newly revised statutory changes related to physical restraint and also reviewed the Oregon Department of Education and Disability Rights Oregon regulations and training brochures related to physical restraint.

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IT IS SO STIPULATED:

Dawn Applegate

Dawn Applegate

Date

11-8-17

Trent Danowski

Trent Danowski, Co-Interim Executive Director
Teacher Standards and Practices Commission

Date

11/29/17

CONCLUSION OF LAW

The conduct described 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 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); 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*).

The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand upon Dawn Applegate's Oregon educator license.

Furthermore, the Commission imposes a period of four (4) years of probation upon Applegate's licensure to commence from the date this order is signed by the Commission and subject to the following conditions:

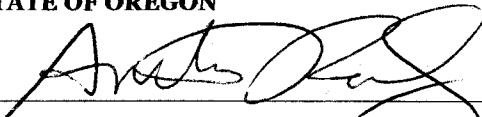
1. Applegate shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
2. Applegate will complete a Commission approved training related to her conduct (physical restraints, boundaries – physical) and submit proof of same prior to the completion of her first year of her probation period.

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Issued and dated this 19th day of January, 2018.

**TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON**

By 

Trent Danowski, Co-Interim Executive Director

 Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Reprimand and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail – Return Receipt Requested, addressed to:

Dawn Applegate
4074 S. Pacific Hwy Spc 40
Medford OR 97501-9026

DATED this 29th day of January, 2018.

By: Patty Sheldon
Patty Sheldon
Investigative Assistant

Certificate of Mailing – Dawn Applegate

Data Classification Level: 2 – Limited
DO: Sheldon