

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the Educator) DEFAULT ORDER OF
5 License of) PUBLIC REPRIMAND
6 DEBORAH KAY GRAVES)
7
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9 On December 28, 2015, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Deborah Kay Graves (Graves)
11 in which the Commission charged her with Gross Neglect of Duty. The Notice was sent via
12 U.S. First Class Mail and U.S. Certified Mail Receipt 7015 0640 0007 1084 6090 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 to
15 the Commission "signed" on January 2, 2016. The first class mail was not returned to the
16 Commission. The Notice of Opportunity of Hearing, dated December 28, 2015, and signed
17 by Victoria Chamberlain, Executive Director, stated:

18 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
24 YOUR LICENSE OR OTHER DISCIPLINE."
25

26 Graves did not request a hearing. The Commission, therefore, finds Graves to be in default
27 and enters the following findings of fact, conclusions of law, and final order, based on the
28 files and records of the Commission concerning this matter.

29 **FINDINGS OF FACT**

- 30 1. Graves has been licensed by the Commission since July 1, 1975. Graves held a Basic
31 Teaching License, with endorsements in Basic Elementary (014) and Basic
32 Mathematics (019), valid from October 29, 2012, through October 28, 2015. During
33 all relevant times, Graves was employed by the High Desert Education Service
34 District as a substitute teacher.
- 35 2. On January 30, 2014, the Commission received a report from the High Desert Education
36 Service District (HDESD) alleging Graves violated professional standards and practices.

1 Subsequent investigation determined that on November 4, 2013, Graves was substitute
2 teaching at Cascade Middle School. Witnesses stated Graves responded to a question by
3 student JM by raising her voice, grabbing JM by the hood of his sweatshirt, pulling him
4 from his seat, and directing him by the hood to face a classroom window. Graves used the
5 window as a way to answer JM's question (regarding parallel lines, parallelograms, or
6 angles) and then slammed her hand on the wall or nearby window blinds. JM and other
7 students were scared by Graves' behavior and felt uncomfortable in her classroom. During
8 an interview with the school Principal, Graves admitted she should not have touched JM in
9 that manner. Both the school district's and the Commission's investigations determined
10 Graves' use of force on the involved student to be excessive, inappropriate, and in violation
11 of local policy. Commission investigators made multiple attempts to schedule interviews
12 with Graves regarding the allegations. Ultimately Graves failed to cooperate with
13 investigators and failed to participate in any interviews as required.

14 CONCLUSIONS OF LAW

15 Deborah Kay Graves engaged in unprofessional conduct as described above. This
16 conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
17 0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of*
18 *all persons and respect for each individual*), OAR 584-020-0010(5) (*Use professional*
19 *judgment*), OAR 584-020-0025(2)(a) (*Establishing and maintaining classroom*
20 *management that is conducive to learning*), OAR 584-020-0025(2)(e) (*Using district*
21 *lawful and reasonable rules and regulations*); OAR 584-020-0040(4)(d) (*Unreasonable*
22 *physical force against students, fellow employees, or visitors to the school, except as*
23 *permitted under ORS 339.250*); and OAR 584-020-0040(4)(p) (*Subject to the exercise of*
24 *any legal right or privilege, failure or refusal by an educator under investigation to*
25 *respond to requests for information, to furnish documents or to participate in interviews*
26 *with a Commission representative relating to a Commission investigation*).

27
28 The Commission's authority to impose discipline in this matter is based upon ORS
29 342.175.

1 **FINAL ORDER**

2 The Commission hereby issues a Public Reprimand upon Deborah Kay Graves'
3 Oregon educator license.

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7 IT IS SO ORDERED THIS 29th day of February, 2016.

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9 TEACHER STANDARDS AND PRACTICES COMMISSION



10 By: _____
11 Victoria Chamberlain, Executive Director
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13 NOTICE OF APPEAL OR RIGHTS

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15 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
16 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
17 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
18 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.