

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

In the Matter of the)
Teaching License of)
LOURDES R. SYLVESTRE)

On July 1, 2009, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Lourdes R. Sylvestre (Sylvestre) in which the Commission charged her with Gross Neglect of Duty pursuant to OAR 584-020-0040(4)(d), (n) and (o). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7008 1140 0002 8580 9386 to the address on file with the Commission. The U.S. Postal Service had not returned the certified mail receipt to the Commission as of July 24, 2009. The first class mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated July 1, 2009, and signed by Victoria Chamberlain, Executive Director, stated:

“You, Lourdes R. Sylvestre, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice.”

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

FINDINGS OF FACT

1. Ms. Sylvestre was first licensed by the Commission on March 8, 2004. She currently holds an Initial I Teaching License, with an endorsement in Spanish, effective from October 18, 2006 to October 4, 2010.
2. On April 18, 2007, in a conversation with another teacher at South Albany High School, Ms. Sylvestre threatened to shoot the school principal.
3. On April 10, 2007, Ms. Sylvestre slapped a female student on the buttocks.

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1 **CONCLUSIONS OF LAW**

2 Threatening the school principal constitutes gross neglect of duty under ORS
3 342.175(1)(b) in violation of OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
4 0010(5) (*Use professional judgment*).

5 Slapping a student on the buttocks constitutes gross neglect of duty under ORS
6 342.175(1)(b) in violation of OAR 584-020-0040(4)(d) (*Unreasonable physical force against*
7 *students, fellow employees, or visitors to the school, except as permitted under ORS*
8 *339.250*). This conduct also violates OAR 584-020-0040(4)(o) as it incorporates OAR 584-
9 020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
10 *conversations at all times*).

11 **FINAL ORDER**

12 The Commission hereby revokes Lourdes R. Sylvestre's Initial Teaching License.

13 IT IS SO ORDERED THIS 10th day of August, 2009.

14 TEACHER STANDARDS AND PRACTICES COMMISSION

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17 By: 
18 Victoria Chamberlain, Executive Director
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23 **NOTICE OF APPEAL OR RIGHTS**

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