

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

In the Matter of the)
Educator License of)
DEREK SCOTT THIEM)

On September 16, 2014, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Derek Scott Thiem (Thiem) in which the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 4760 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail and the first class mail were not returned to the Commission. The Notice of Opportunity for Hearing, dated September 16, 2014, and signed by Victoria Chamberlain, Executive Director, stated:

“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.”

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

FINDINGS OF FACT

1. Derek Thiem has been licensed by the Commission since September 26, 2005. Thiem's Initial I Teaching License with endorsements in English for Speakers of Other Languages (ML/HS, ECE/ELEL) and Language Arts (HS), was issued February 21, 2010, and expired on February 20, 2013. During all relevant times, Thiem was employed by the Canby School District.

- 1 2. On June 29, 2012, the Commission received a report from the Canby School District
2 indicating Thiem had violated professional standards when Thiem appeared on duty
3 while under the influence of intoxicants. Investigation determined the following:
- 4 a. On or about June 15, 2012, Thiem arrived to work at the Baker Prairie Middle
5 School two hours late. Thiem did not have classroom students for his first period
6 as Thiem used this time to check in on ELD students in other classrooms.
7 Another teacher found Thiem's second period students in the hallway outside
8 Thiem's locked classroom door. Several teachers interacted with Thiem when he
9 arrived and observed Thiem to appear pale, sickly, and not responding normally.
10 During Thiem's lunch break, Thiem traveled to a store and purchased some
11 alcohol, which Thiem drank in his vehicle while parked in the residences near the
12 school grounds. Thiem returned to school and fell asleep or passed out in his
13 vehicle in the school parking lot. When located by school administrators, Thiem
14 appeared intoxicated. Several hours later Thiem agreed to an intoxilyzer test that
15 indicated you had a BAC of 0.131%. Thiem admitted to school officials that he had
16 an alcohol problem, had relapsed, and had reported to work hung over and
17 perhaps still intoxicated. Thiem admitted to leaving at lunch to drink more
18 alcohol. Thiem was disciplined with a three day suspension without pay and
19 issued a last chance agreement that included a treatment program and other
20 conditions.
- 21 b. On January 14, 2013, Thiem was placed on another last chance agreement for
22 attendance issues. Thiem had two unexcused absences where he had failed to
23 contact the school and his absence impacted Thiem's students.
- 24 c. On January 17, 2013, Thiem was arrested for DUII. Because Thiem was
25 incarcerated and unable to make a phone call, Thiem failed to report to work or
26 notify the district of his absence. This was a violation of Thiem's last chance
27 agreement, and Thiem resigned his employment with the district. On January 26,
28 2013, Thiem was arrested for another DUII that resulted in a crash. Thiem was
29 charged with several counts of Assault 3, several counts of Recklessly
30 Endangering Another, one count of Reckless Driving and DUII. Thiem was
31 convicted of the January 17, 2013, DUII and separately convicted for the January

1 26, 2013, DUII, two counts of Assault 3, and one count of Reckless Driving.
2 Thiem was sentenced to six months in jail, probation, treatment and fines.

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4 **CONCLUSIONS OF LAW**

5 Thiem's conduct described in section 2(a) above constitutes gross neglect of duty
6 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR
7 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (Using
8 district lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(g)
9 (Appearing on duty or at any district-sponsored activity while under the influence of
10 alcohol or any controlled substance).

11 Thiem's conduct described in section 2(b) above constitutes gross neglect of duty
12 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR
13 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (Using
14 district lawful and reasonable rules and regulations); and OAR 584-020-0030(2)(b)
15 (*Skill in communicating with administrators, students, staff, parents, and other*
16 *patrons*).

17 Thiem's conduct described in section 2(c) above constitutes gross neglect of duty
18 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR
19 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (Using
20 district lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(o) as
21 it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by*
22 *respecting and obeying the law, exemplifying personal integrity and honesty*). This
23 conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-
24 020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction*
25 *includes any final judgment of conviction by a court whether as the result of guilty*
26 *plea, no contest plea or any other means*); and OAR 584-020-0040(5)(e) (*Admission of*
27 *or engaging in acts constituting criminal conduct, even in the absence of a conviction*).
28

29 The Commission's authority to impose discipline in this matter is based upon ORS
30 342.175.

1 **FINAL ORDER**

2 The Commission hereby revokes Derek Scott Thiem's right to apply for licensure.

3 IT IS SO ORDERED THIS 31st day of October, 2014.

4 TEACHER STANDARDS AND PRACTICES COMMISSION

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7 By: _____
8 Victoria Chamberlain, Executive Director
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12 **NOTICE OF APPEAL OR RIGHTS**

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