

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

4   In the Matter of the Educator License of        )       DEFAULT ORDER OF  
5   DEBORAH LEIGH BARRY                            )       REVOCATION OF RIGHT TO APPLY FOR  
6    )       AN EDUCATOR LICENSE  
7  
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9           On August 30, 2012, the Teacher Standards and Practices Commission (Commission)  
10   issued a Notice of Opportunity for Hearing to Deborah Leigh Barry (Barry) in which the  
11   Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class  
12   Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 1643 to the address on file with the  
13   Commission. The Notice designated the Commission file as the record for purposes of proving a  
14   prima facie case. The Certified Mail was not returned to the Commission, and the return receipt  
15   was received by TSPC on September 12, 2012. The regular mail was not returned to the  
16   Commission. The Notice of Opportunity of Hearing, dated August 30, 2012, and signed by  
17   Victoria Chamberlain, Executive Director, stated:

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

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

29   **FINDINGS OF FACT**

- 30   1. Deborah Leigh Barry has been licensed by the Commission since November 7, 2008. Barry's  
31   Restricted Substitute License endorsed with Substitute Any Specialty (PP-12), was issued  
32   November 7, 2008, and expired on November 7, 2011. During all relevant times, Barry was  
33   employed by the Central School District.
- 34   2. Beginning in February 2011, Barry was counseled by her supervisor for failing to maintain  
35   appropriate boundaries with a male student. Barry's inappropriate conduct continued, and Barry  
36   was verbally counseled multiple times from February 2011 through January 2012. In addition to the  
37   counseling sessions, Barry was provided in-service training regarding appropriate teacher/student  
38   boundaries. On September 26, 2011, Barry was issued a "Letter of Directive" by her supervisor to  
39   cease all contact with the involved male student. Despite the multiple counseling sessions, the re-

1 training, and the directive, Barry violated district policy and written directives and continued to  
2 have contact with the male student. On January 25, 2012, Barry was issued a written reprimand for  
3 her actions. On March 9, 2012, the School Board considered the Superintendent's recommendation  
4 for Barry's dismissal. On or around March 11, 2012, Barry resigned her employment upon learning  
5 that she was going to be terminated from employment.

#### 6 CONCLUSIONS OF LAW

7 Barry's conduct described in section two (2) above, constitutes gross neglect of duty in  
8 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-  
9 0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and*  
10 *reasonable rules and regulations*); and OAR 584-020-0040(4)(o), as it incorporates OAR 584-  
11 020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*  
12 *conversations at all times*).

13 Furthermore, the conduct described above demonstrates that Barry lacks good moral  
14 character, mental or physical fitness to hold a license as required under ORS 342.143(2).


15 The Commission's authority to impose discipline in this matter is based upon ORS  
16 342.175.

#### 17 FINAL ORDER

18 The Commission hereby revokes Deborah Leigh Barry's right to apply for educator  
19 licensure.

20 IT IS SO ORDERED THIS 15<sup>th</sup> day of February, 2013.

21 TEACHER STANDARDS AND PRACTICES COMMISSION

22 By:   
23 Victoria Chamberlain, Executive Director  
24  
25  
26

#### 27 NOTICE OF APPEAL OR RIGHTS

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